DOCUMENT RESUME

ED 229 316 SO 014 675

TITLE	Citizen Participation in the American Federal System.
INSTITUTION	Advisory Commission on Intergovernmental Relations, Washington, D.C.
PUB DATE	23 Mar 79
NOTE	426p.
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (Stock No. 052-004-00072-1, $9.00).
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC18 Plus Postage.
DESCRIPTORS	*Citizen Participation; *Federal Government; Financial Policy; Laws; Legal Responsibility; *Local Government; Participative Decision Making; Politics; Program Descriptions; *State Government; United States History

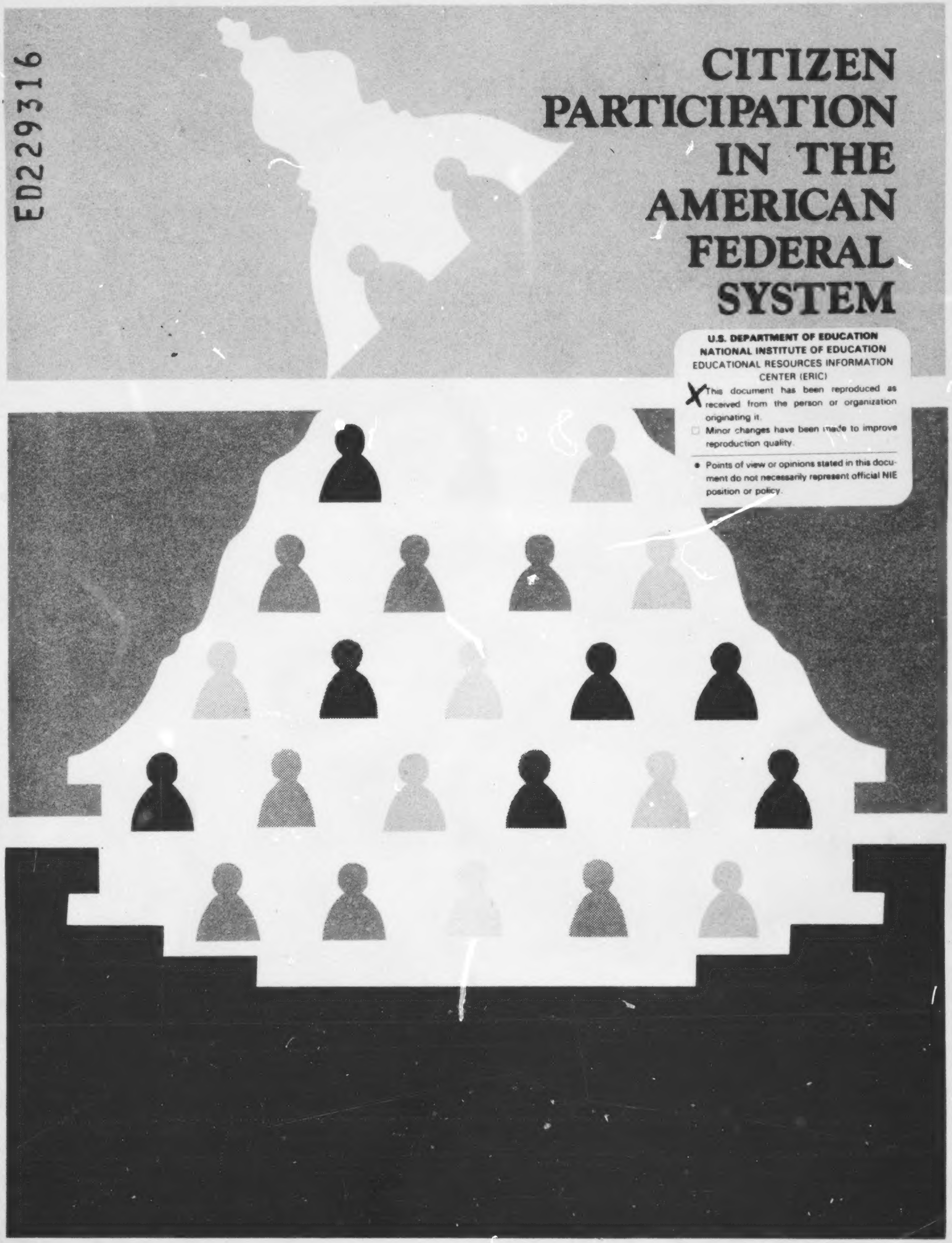
ABSTRACT

Legal and operational aspects of citizen participation in federal, state, and local governments are examined and recommendations are made. Following an introduction to the study, chapter 2 reviews the role of citizen participation in democratic theory and examines how participation developed within the general society and the governmental system. Chapter 3 discusses the forms and purposes of citizen participation at the different levels of the American government. Describing illustrative programs, chapter 4 looks at citizen participation requirements in federal aid programs. Chapter 5 surveys the provisions for citizen participation in state and local governments. A summary and recommendations are made in chapter 6. To overcome the substantial gap that was found to exist between the expectations and realities of citizens regarding participation, it is recommended that governments at all levels provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in their own directly administered activities, including financial decision making and the elective political process. (RM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED229316

CITIZEN PARTICIPATION IN THE AMERICAN FEDERAL SYSTEM



U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

Preface

In its 1976 legislation reenacting the General Revenue Sharing program for a second three-year period, Congress requested ACIR to prepare several studies of fiscal decisionmaking in the American federal system of government. Citizen participation, the topic of one of those studies, is the subject of this report.

The draft report was prepared by the staff under its regular procedures which provide for critiques by the governmental research community and others having special knowledge of the topic. Because of the nature of this topic, the Commission also held a hearing on the draft report at its regular meeting on December 7, 1978. Following this hearing, the Commission determined that opportunities should be provided for a broader range of views to be submitted regarding the draft report.

Comments received at the December hearing and as a result of the subsequent solicitation of views are included as an appendix to this report, along with a staff summary and evaluation of all the comments received. The comment period extended from early December 1978 through mid-March 1979. Many comments were received, some of considerable length and detail, and they were helpful in revising our report. The number of recommendation options presented to the Commission was doubled, and numerous refinements in the background chapters were made as a result of this consultation process. All comments received by the first of March were fully reflected in information presented to the Commission prior to its action on this report.

The Commission adopted the recommendations in this report and authorized its printing on Friday, March 23, 1979.

Abraham D. Beame
Chairman

For sale by the Superintendent of Documents,
U.S. Government Printing Office,
Washington, DC 20402

Acknowledgements

This volume was prepared by the governmental structure and functions section of the Commission staff under the direction of Assistant Director David B. Walker. The following staff members were responsible for individual chapters: *Chapters 1, 3, and 5*, Bruce D. McDowell; *Chapter 2*, David B. Walker; and *Chapter 4*, Albert J. Richter. *Chapter 6* was a team effort. Professor John Rehfuss of Northern Illinois University (now with California State University, Sacramento) developed the 1978 survey of local governments summarized in this report and contributed to *Chapters 4 and 5*. The International City Management Association provided survey design assistance and data processing services for the survey of local governments.

Secretarial support was provided by Delores A. Dawson, Bettyann Hodukavich, Evelyn M. Hahn, Lynn C. Schwalje, and Linda S. Silberg. Evelyn M. Hahn compiled several special state-by-state tabulations of the 1978 survey.

Participating in a "critics session" to review the draft chapters and alternative recommendations were: Mark Alger, Francis C. DeLucia, Marla Ewing, Mark Goldberg, Mark Grainer, Lee L. Gray, Walter Groszyk, Mary Hill, Lincoln Hoewing, Judith May, Fred H. Pelzman, Jerry Delli Priscoli, Nelson Rosenbaum, Laurence Rutter, Toni Thomas, Susan Torrence, Francis Viscount, Robert N. Wise, and Amelie Wogan.

Some of these same people, plus a number of others, also participated in a formal hearing on the draft report (held December 7, 1978) and a follow-up consultation process which extended from December 1978 through March 1979. Persons involved in this process are named in the *Appendicies* to this report, and their names are not repeated here.

The Commission gratefully acknowledges the assistance of all who assisted by their participation in the local government survey, the survey of federal grant-administering agencies reported in *Chapter 4*, the critics session, the hearing, and the consultation process. Final responsibility for the report and its contents, of course, rests with the Commission and its staff.

Wayne F. Anderson
Executive Director

David B. Walker
Assistant Director

Contents

Chapter Page

Preface ... iii
Acknowledgment ... v
Summary ... 1
- Introduction ... 1
- What is Citizen Participation? ... 1
- Citizen Participation and the Federal Grant System ... 3
- Citizen Participation in the Federal Government's Own Activities ... 5
- Citizen Participation and the States ... 6
  - State Open Meeting Laws ... 6
  - State Open Records Laws ... 7
  - Public Information in State Legislatures ... 7
  - State Administrative Procedures Acts ... 7
  - State Budget Processes ... 7
  - Miscellaneous Provisions for State Citizen Participation ... 7
- Citizen Participation and Local Government ... 8
  - The Local Budget Process ... 8
  - Advisory Committees ... 9
  - Citizen Surveys ... 9
- Initiatives and Referendums ... 9
- How Well Does It Work? ... 12
- Conclusion ... 12
- ACIR Recommendations ... 12
- *Recommendation 1.* **Citizen Participation at Each Level of Government** 13
- *Recommendation 2.* **Citizen Participation in Federal Aid Programs: A Positive and Consistent Federal Policy** ... 14

1 **Introduction** ... 17
- The Purpose of This Study ... 18
- Intergovernmental Aspects of Citizen Participation ... 18
- Forms and Purposes of Citizen Participation ... 20
- The Scope of This Report ... 22

2 **American Traditions of Citizen Participation** ... 25
- Theory and Theorists ... 25
  - The Classical Theorists and Citizen Participation ... 25
  - The 20th Century Theorists and Citizen Participation ... 30
  - Summary Assessment of Citizen Participation Theory: Contrasts and Commonalities ... 39
- Participation in Practice: Its Evolution ... 41
  - Expanding the Electorate ... 41
  - Democratizing the Nominating Process ... 45
  - Expanding Direct Popular Control of Governments ... 49
- Conclusion ... 55

3 An Overview of Contemporary Citizen Participation 61
- The Diverse Forms and Purposes of Contemporary Citizen Participation 61
  - General Purposes of Citizen Participation 61
  - The Diversity of Specific Purposes of Citizen Participation 62
  - Diverse Purposes of Citizen Participation Pursued by Diverse Interests 64
  - Diverse Forms of Citizen Participation 64
  - Relationships Between the Purposes and Forms of Citizen Participation 71
  - Who Gets Involved in Citizen Participation and Why? 73
  - Special Techniques to Enhance Interactive Participation 75
  - When to Use Citizen Participation 75
  - Programs in Which Citizen Participation is Used 78
  - Comprehensive Participation Processes 83
  - Factors Considered in Developing Citizen Participation Processes 85
  - Evaluating the Forms of Citizen Participation 86
- Citizen Participation at the Various Levels of Government 91
  - The Universality of Citizen Participation 91
  - Variations in Citizen Participation Among the Levels of Government 91

4 Citizen Participation in the Administration of Federal Programs 99
- The Evolution of Policy on Citizen Participation in Federal Administration 99
  - The Administrative Procedures Act 99
  - The Right to Participate 100
  - Broadening the Emphasis 100
  - The Sunshine Act 101
- Citizen Participation in the Federal Government's Own Activities 101
  - The Level of Federal Performance 102
  - Three Special "Institutional Remedies" 105
  - Recent Administration Initiatives 107
  - Summary 108
- Citizen Participation in Federal Aid Programs 109
  - A Brief History 109
  - An Inventory of Citizen Participation Requirements in Federal Grant Programs 112
  - Citizen Participation in Selected Grant Programs: Five Case Studies 132
  - The Impact of Citizen Participation Requirements: Some General Studies 164
  - Summary 174

4A Appendix: **Citizen Participation Requirements Mandated by Statute or Regulation in Federal Grant Programs, by Program, Department or Agency, and Major Type of Requirement** 180

4B Appendix: **Membership and Activities of Boards and Committees Required by Federal Grant Programs to Have Citizen Representation in Their Membership** 207
- Department of Agriculture 207

Department of Commerce 207
HEW—Public Health Service 208
HEW—Office of Education 210
HEW—Office of Human Development Services 215
HEW—Health Care Financing Administration 216
HEW—Social Security Administration 216
HEW—Public Health Service—II 216
Department of Justice 217
Department of Labor 217
Appalachian Regional Commission 218
General Services Administration 218
Community Services Administration 219
Environmental Protection Agency 219
Action 219
Department of Energy 220

5 **Citizen Participation in State and Local Government** 221

- Introduction 221
- Budgetary Practices at the State and Local Levels 221
  - State Laws Calling for Public Meetings and Public Participation in Local Budgetary Processes 221
  - Survey of Localities in the 50 States 222
- Direct Electoral Controls Over Fiscal Activity 247
  - State Constitutional and Statutory Initiatives and Referenda 247
- Nonfiscal Participatory Activity at State and Local Levels 262
  - Nonfiscal Referenda 263
  - Open Meeting Laws 265
  - Open Records Laws 270
  - Public Information in State Legislatures 270
  - Procedures for Administrative Rulemaking 271
  - Advisory Committees 274
  - Citizen Surveys 276
  - New State Participative Mechanisms in Policy and Plan Formulation 277
  - Other Specific Techniques 277
  - Coordination of Citizen Participation at the State Level 278
- Conclusions 278

6 **Findings, Issues, and Recommendations** 283

- Findings 283
  - Participation in Practice: Its Evolution 283
  - Forms and Purposes of Citizen Participation 284
  - Citizen Participation in the Federal Government's Own Activities 285
  - State and Local Requirements and Practices 289
- Major Issues 292
  - Citizen Participation and Representative Democracy 292
  - The Proper Use of Advisory Processes 296
  - Intergovernmental Requirements for Citizen Participation 300
  - Evaluation of Citizen Participation 305

Recommendation 1. **Citizen Participation at Each Level of Government** 307
Recommendation 2. **Citizen Participation in Federal Aid Programs: A Positive and Consistent Federal Policy** 312

Appendices

A **Summary and Analysis of Comments Received by the Advisory Commission on Intergovernmental Relations Concerning the Draft Report Entitled "Citizen Participation in the American Federal System"** 317
- Procedures 317
- Responses to Recommendations 318
- Other Comments 319
- Additional Written Comments 324
- Two "Dialogue" Meetings 325
  - The Morning Meeting 325
  - The Afternoon Meeting 337

B **Hearing on Citizen Participation in the American Federal System, December 7, 1978, Washington, D.C.** 339
- **I. Toni Thomas** (Special Assistant for Citizen Participation, Office of the Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development) 341
- **Lee L. Gray** (Vice President, The Interagency Council on Citizen Participation) 341
- **Richard Ives** (Assistant Director, Division of Budget and Planning, State of Missouri, and Member of the Council of State Planning Agencies) . 343
- **Clifford W. Graves** (Chief Administrative Officer, County of San Diego—Statement Presented by Roger Honberger) 345
- **Howard W. Hallman** (President, Civic Action Institute—Formerly Known as Center for Governmental Studies) 347
- **Nelson Rosenbaum** (Senior Research Associate, the Urban Institute) . . 349
- **Dr. Graciela Olivarez** (Director, Community Services Administration) 352
- **Harriet Hentges** (Executive Director, League of Women Voters of the United States) 353
- **Patricia Roberts Harris** (Secretary, U.S. Department of Housing and Urban Development) 354
- **Dorothy Height** (President, Alliance for Volunteerism) 356

Tables

1 Federal Grant-in-Aid Programs Requiring Citizen Participation, by Agency and Period of Time in Which Mandating Legislation or Regulation was Adopted 4
2 States with Direct Democracy Provisions, 1976 10
3-1 Purposes Served by the Various Forms of Citizen Participation 72
3-2 Purposes of Citizen Participation Generally Emphasized by Various Interests, and Relative Extent of Their Involvement 74
3-3 Special Techniques of Citizen Participation Related to Major Forms of Citizen Participation 76

3-4 Appropriateness of Citizen Participation Purposes at the Various Stages of Governmental Activity 77
3-5 Programs Using Various Citizen Participation Forms, Techniques, and Means of Facilitation—By Frequency of Use 80
3-6 Forms of Citizen Participation Used in Certain Citizen Participation Processes, and Degree to Which Relied Upon 84
3-7 Major Features of the Various Forms, Techniques, and Means of Facilitating Citizen Participation 88
3-8 Levels of Government Using Various Citizen Participation Forms, Techniques, and Means of Facilitation—By Frequency of Use 92
4-1 Number of Federal Grant Programs with Citizen Participation Requirements Mandated by Statute or Regulation, by Department or Agency and Major Type of Requirement 113
4-2 Principal Interests Required by Law to be Represented on Nonfederal Boards/Committees Involved in Federal Grant-in-Aid Programs 114
4-3 Federal Grant-in-Aid Programs Requiring Citizen Participation, by Agency and Period of Time in Which Mandating Legislation or Regulation was Adopted 128
4-4 Federal Grants to State and Local Governments: Total and Number with Mandated Citizen Participation Requirements: by Department and Agency 129
4-5 Number of, and Average Attendance at, CDBG Hearings, All Reporting Cities and Counties, and Localities in Selected States. 146
4-6 Frequency of, and Attendance at, Various Kinds of Local Budget Hearings, Cities and Counties 148
4-7 Citizen Participation Mechanisms Used by Municipalities and Counties in Requests for Community Development Block Grant Funds 149
4-8 Effect of General Revenue Sharing Participation Requirements as Reported by Selected States 156
4-9 Local Budget Practices 158
4-10 Local Budget Practices in Municipalities in Selected States 159
4-11 Number of Hearings by Type of Hearing and Average Number of Citizens in Attendance 160
4-12 Neighborhood or District Hearings Held in City or County with Average Citizen Attendance 161
4-13 Number of Hearings Conducted and Citizens in Attendance Reported by Municipalities in Selected States 162
4-14 Summary of Accomplishments of Citizen Participation in Eight Federally Aided Municipal Services, as Reported in a 1974 Survey of Policy Related Research 168
4-15 Type of Citizen Participation and Decentralization Outcomes 170
4-16 Citizen Participation Mechanisms Used by Cities and Counties in Applying for, or Administering Federal Grants, by Functional Type of Grant Program 171
4-17 Local Officials' Opinions about the Effects of Citizen Participation on the Grant-in-Aid Process and Local Budget Decisions 173
5-1 Evaluations of Citizen Participation in the Budget Process, by Local Officials, 1978 223

5-2 Evaluations of Citizen Participation in the Budget Process, by Local Officials, 1978 224
5-3 Types of Organizations Represented at Local Public Hearings, by Local Jurisdictions in the 50 States 226
5-4 Percentage of Reporting Municipalities in Certain States Indicating Specific Groups Present at Any Budget or Community Development Block Grant Hearing 229
5-5 Percentage of Reporting Counties in Certain States Indicating Specific Groups Present at Any Budget or Community Development Block Grant Hearing 230
5-6 Effect of Citizen Participation on the Use of Grant Funds 232
5-7 Effect of Citizen Participation on the Use of Grant Funds 234
5-8 State Legislative Budget Periods 240
5-9 Formal State Legislative Involvement in Public Hearings on the Executive Budget 241
5-10 Representatives Usually Appearing Before State Legislative Appropriations and Revenue Committees 242
5-11 Distribution of the State Budget Document 244
5-12 Content of State Fiscal Notes 246
5-13 States with Direct Democracy Provisions, 1976 248
5-14 State Constitutional Changes, by Method of Initiation, 1970-71, 1972-73, 1974-75 250
5-15 Substantive Changes in State Constitutions Proposed and Adopted, 1970-71, 1972-73, 1974-75 251
5-16 Tax Referenda in Municipalities and Counties During 1975-77 253
5-17 November 1956 Bond Referenda in Alaska, New Jersey, and Rhode Island 254
5-18 Results of State and Local Bond Issue Elections, 1950-75 255
5-19 State and Local Debt as a Percentage of Net Total Debt and Net Public Debt, 1950-74 256
5-20 State and Local Long-Term Debt Classified by Purpose, Selected Years, 1959-74 257
5-21 Bond Referenda During 1975-77 in Municipalities and Counties 258
5-22 Referenda on Fiscal and Other Municipal Issues, 1975-77 259
5-23 Elementary and Secondary School Bond Issues Voted on in the United States, 1964-76 260
5-24 Par Value of Elementary and Secondary School Bond Issues Voted on in the United States, 1964-76 260
5-25 States with the Most Secondary and Elementary School Bond Elections and with the Largest Amounts of Bond Authorizations Voted Upon, through 1975-76, Five Highest in Each Category Listed 261
5-26 Constitutional Amendments Considered and Adopted Among Selected States, 1973-76 263
5-27 State Open Meeting Laws: 1977 266
5-28 State Open Records Laws: 1975 268
5-29 Rulemaking Provisions of State Administrative Procedures Acts, 1978 272
5-30 Number of Municipal Citizen Advisory Committees or Commissions and

the Total Number of Citizens Serving on Them 274
5-31 Number of County Citizen Advisory Committees or Commissions and the Total Number of Citizens Serving on Them 275
A-1 Summary of Responses to Recommendations 318

Figures

1 Forms of Citizen Participation 2
A-1 Views on ACIR's Draft Citizen Participation Recommendations Received at, and Following, the December 7, 1978, Hearing 320
A-2 Summary of Comments on ACIR Draft Citizen Participation Report with Staff Responses 326
A-3 Characteristics of a Three-Part Approach to Citizen Participation in Federal Aid Programs 337

Summary

INTRODUCTION

Citizens participate in many ways in American government.

First of all, they vote. Voting for officials—both in the nominating and the electoral processes—and on ballot issues is the fundamental form of citizen participation upon which representative democracy rests.

They also serve as members of groups and committees, write letters, receive and send information, attend conferences and hearings, answer questionnaires, and call up "hotlines."

They are involved in making key decisions such as which schools to close or where the new highway should go. They help to develop budgets and regulations; they volunteer their services to government and receive governmental services.

Citizen participation is formal and informal, is found at all governmental levels (but mostly at the local), and is expedited and performed in scores of different ways.

What draws most of these variant elements together is their common purpose: full and free interchange of information between citizens and their appointed and elected officials. The decisionmakers need to know what the public wants and how the decisions they make actually work in practice. Citizens need to know what the officials are doing so that they can hold them responsible. The public also must know the reasons for governmental decisions if it is to retain confidence in the soundness and equity of those decisions.

Governments at all levels have instituted procedures for encouraging citizens to participate in public decisionmaking through local ordinance, state law, and more recently requirements or "strings" in federal grant-in-aid programs to state and local governments.

The prevalence of these procedures and questions concerning their effectiveness prompted the Congress, in its 1976 renewal of General Revenue Sharing (GRS), to request ACIR to prepare a study of "the legal and operational aspects of citizen participation in federal, state, and local government fiscal decisionmaking." This summary of that study—and the Commission recommendations resulting from it—focuses on key intergovernmental questions involving the use of citizen participation requirements in federal grants, the impact of those requirements on state and local government, and methods used by state and local governments to encourage citizen participation.

WHAT IS CITIZEN PARTICIPATION?

Despite mounting concerns about apathy—supported by low and falling voter turnouts—the desire on the part of particular segments of the citizenry to participate in both public and private sector activities affecting their welfare is not dormant. Citizen participation in government has a lengthy and deeply rooted history in America, and the U.S. still is among the most participatory of nations.

Participation in government is most direct and most frequent at the local level. Governments at higher levels—states, the federal government, and regional organizations—inevitably have relied much more heavily upon representative mechanisms, and local governments have moved more toward this form of democracy as they have grown in size. Yet, the American tradition of direct participation in government has been strong, and states have provided for it within the local government structures they created and have adopted it in various ways in their own operations.

The federal government also has developed a variety of opportunities for direct participation in its processes, and in recent years increasingly 2 has attached requirements for citizen participation to federal grant dollars going to state and local governments and other recipients. Thus, participation by the public now is provided not only within each level of government, but also as a principle of government transmitted by the intergovernmental grant system. And the latter has been a source of no little amount of controversy. Currently some 31 different forms of participation are being used by one or more segments of the population in their contacts with government (see *Figure 1*). These are geared to meeting one or more of the following objectives:

- ☐ giving information to citizens;
- ☐ getting information from or about citizens;
- ☐ improving public decisions, programs, projects, and services;
- ☐ enhancing acceptance of public decisions, programs, projects, and services;
- ☐ supplementing agency work;
- ☐ altering political power patterns and allocations of public resources;
- ☐ protecting individual and minority group rights and interests; and,
- ☐ delaying or avoiding the making of difficult public decisions.

While few can object to the goal of involving citizens in governmental decisionmaking, the procedures used to encourage this interaction are subject to numerous criticisms including:

- ☐ They often are time consuming and costly—and sometimes they yield little by way of tangible results.
- ☐ Citizens who are drawn to the citizen participation processes are not truly representative of the general citizenry—they

Figure 1

FORMS OF CITIZEN PARTICIPATION

I. Organizational Forms

- Citizen Groups
- Special Interest Groups
- Specific Program Clientele Groups
- Official Citizen Committees

II. Individual Forms

- Voting
- Being a Program Client
- Making Statements
- Working in Public Projects
- Campaigning/Lobbying
- Administrative Appeals
- Going to Court
- Demonstrations

III. Forms of Information Dissemination

- Open Government
- Meetings/Speaker Bureaus
- Conferences
- Publications
- Mass Media
- Displays/Exhibits
- Mail
- Advertising/Notices
- Hot Lines
- Drop-In Centers
- Correspondence
- Word of Mouth

IV. Forms of Information Collection

- Hearings
- Workshops/Meetings/Conferences
- Consultation
- Government Records
- Nongovernment Documents
- Participant Observers
- Surveys

tend to represent merely special interests or concerns.

- ☐ By instituting citizen participation procedures, the government "fulfills" a desire for more citizen involvement; yet, in many cases, procedures are implemented in a "pro forma" manner encouraging little real participation.
- ☐ Citizen participation procedures may undermine the representative system already in place where people elect officials who presumably speak and act for them.
- ☐ The effects of the various types of citizen participation are not always the same. Some forms and techniques cost less than others, take less time, and attract greater numbers of participants. Some are more politically acceptable than others, and still others have greater potential for producing new ideas or resolving conflicts.

Providing simpler and clearer decision processes, more adequate training of citizens and officials involved in the participation process, better staff and technical assistance, and economic assistance or incentives for participation can or might improve the participation actually experienced—but at a cost. By these means, more affected persons could participate in governmental decisionmaking processes, and there would be greater understanding of the process and greater capability to enter into a creative and constructive dialogue.

Of course, these factors of inclusiveness, creativity, and capability do not tell the whole story. If basic interests are too diverse, then a consensus may not develop in the advisory process and the parties may abandon it for the exercise of their power options—such as campaigning and voting for a change of government, demonstrating, picketing, going on strike, or using such other means as they may muster—or simply to disengage. Advisory citizen participation methods are only one part of the total governmental decisionmaking process, and there is no guarantee that they will produce "success" from the viewpoint of any given participant in any given situation.

Thus, there is no perfect citizen participation mechanism. An effective and efficient citizen participation process must be tailored to the level of government and nature of the issue being considered.

CITIZEN PARTICIPATION AND THE FEDERAL GRANT SYSTEM

Justifications for federal citizen participation requirements stem from long traditions of American democracy. These are reflected in the First, Fifth, and 14th Amendments to the U.S. Constitution which, among other things, guarantee to all citizens the right to have a free press, exercise free speech, assemble freely with one another, petition their governments for redress of grievances, and receive equal treatment under the laws in accordance with "due process."

The federal civil rights laws and antipoverty programs of the mid-1960s emphasized that minority groups are not to be excluded from enjoyment of these and other rights and that federal aid must be spent in nondiscriminatory ways. In addition, several individual federal aid programs have specific provisions repeating bans on discrimination. With this precedent, federal aids now are required to meet the special needs of minorities, diverse racial and ethnic groups, various age and income groups, both sexes, and the handicapped or disadvantaged, as well as the needs of the general public.

The existing citizen participation requirements in federal aid programs, then, have the dual function of assisting the people in the exercise of their constitutional rights of access to government and helping state and local governments identify the needs of the diverse groups which are to be assisted fairly and equitably under various federal aid programs.

Interest in, and concern for, adequate citizen participation has been strong over the past dozen years and is supported by many groups in addition to those concerned with civil rights. "Good government" groups such as Common Cause and those banding together to save the environment are examples of groups which encourage the inclusion of citizen participation requirements in federal aid programs.

The Coastal Zone Management Act of 1972, Headstart Economic Opportunity and Community Partnership Act of 1974, Resource Conservation and Recovery Act of 1976, and the *Housing and Community Development Act of 1974* are only a few of the examples of recent federal programs calling for substantial consultation with, or participation by, the public (see *Table* 1).

Table 1

FEDERAL GRANT-IN-AID PROGRAMS REQUIRING CITIZEN PARTICIPATION, BY AGENCY AND PERIOD OF TIME IN WHICH MANDATING LEGISLATION OR REGULATION WAS ADOPTED

Department or Agency	Prior to 1960	1960-64	1965-69	1970-74	1975-78	Total
Agriculture				2	5	7
Commerce			5	3		8
HEW	(1)	(3)	(8)	(50)	(20)	(82)
PHS		2	1	12	3	18
OE		1	4	30	15	50
OHDS			1	8		9
HCFA			2			2
SSA	1				2	3
HUD	1			1	1	3
Interior		1			1	2
Justice			2	1		3
Labor	1			3	2	6
Transportation	1	2		1	1	5
Appalachian Regional Commission					14	14
General Services Administration					1	1
Community Services Administration		4		3		7
Water Resources Council			1			1
Environmental Protection Agency	1			5	3	9
ACTION					3	3
Energy					3	3
Treasury					1	1
Total	5	10	16	69	55	155
Percentage	3	6	10	45	36	100

SOURCE: ACIR staff tabulation.

In addition, recent legislation imposed citizen participation requirements on already existing programs such as the *Federal Water Pollution Control Act Amendments of 1972* and the *Regional Development Act of 1975*.

But the most far-reaching federal aid legislation with a citizen participation component—in the sense of numbers of governmental units affected—was the extension of General Revenue Sharing in 1976. The original 1972 law required only that state and local government recipients annually publish copies of their reports on actual and planned use of revenue sharing funds.

The renewal legislation tightened up the process for publishing information and required public hearings on the proposed use of revenue sharing funds and their relationship to the recipient jurisdiction's adopted budget. It also required states and localities to make an effort to give senior citizens an opportunity to be heard on the allocation of GRS funds.

In order to determine the impact of federal grant requirements on recipients, ACIR surveyed federal, state, and local officials, examined how citizen participation works in five selected grant programs, and made an extensive literature review.

The Commission found that, as of December 1978, citizen participation requirements were contained in 155 separate federal grant programs—almost one-third of the total—accounting for over 80% of grant funds. Most of these requirements (79%) were adopted since 1970. Over half were in HEW programs and about three-fifths of these were in the Office of Education. Further:

☐ The establishment of boards or committees and prescription of their membership was the most usual type of mandate—found in 89 programs. The boards or committees were confined to advisory powers, except for 24 programs involving 17 separate committees.

☐ Public hearings were the next most commonly mandated participation mode and are most prevalent outside HEW.

☐ Other types of mandated public involvement (found in 114 of the 155 programs) included giving notice of the preparation of a grant application or a plan, conducting workshops, and offering opportunities for giving testimony or review and comment. They varied with respect to the interests involved, the stage of decisionmaking affected, and the types of participation mechanism mandated.

The findings indicate that the variations in forms of citizen participation are substantial. Similar programs within the same department or agency, or programs in the same functional area, or programs dealing with like phases of the decisionmaking process differ in respect to whether they do, or do not require citizen participation and how that participation should be encouraged.

The impact of different kinds of federal citizen participation requirements varies, but overall it is modest. The major participants in the process are the middle class, and even special efforts targeted to certain low income groups often do not produce significant participation by them. For example:

☐ In the Title XX (social services) program, considerable difficulty was encountered in obtaining widespread involvement by low income consumers of social programs.

☐ In the Community Development Block Grant, at least in the early years, much dissatisfaction was voiced with the alleged under-involvement of lower income groups in a program where Congress clearly intended these groups and their urban neighborhoods should have priority attention.

☐ A study of citizen participation in eight federally aided municipal services found that citizen participants generally were middle class or "aspiring" members of lower income groups. "Ordinary" citizens were influential only in neighborhood health centers. Even the most activist programs of citizen participation—Community Action and Model Cities—involved largely middle class citizens and those with prior leadership experience.

ACIR also found:

☐ Citizen participation requirements tend to have a stimulative effect on localities' expenditures.

☐ The amount of influence exercised by the citizen in decisionmaking apparently varies. In some programs, such as General Revenue Sharing and coastal zone management, citizens and policymakers feel that the citizens did affect the setting of priorities. In other cases, particularly programs requiring only public hearings, decisions often were made prior to the citizen participation process and, thus, it was merely a rubber stamp effort.

☐ Citizen participation processes tend to help citizens feel closer to individual programs, but do not necessarily reduce their overall feeling of alienation toward government generally.

CITIZEN PARTICIPATION IN THE FEDERAL GOVERNMENT'S OWN ACTIVITIES

The Administrative Procedures Act (APA) of 1946 and its "Freedom of Information" and "Government in the Sunshine" amendments set the minimum requirements for citizen access to, and involvement in, the federal administrative process. Public involvement is confined to specified points in administrative proceedings. In effect, the APA limits the mobilized citizenry largely to middle and upper-class organized interests able to obtain legal counsel on their own.

In legislation requiring citizen participation enacted in the late 1960s and early 1970s, largely centering on environmental protection, Congress emphasized the agencies' affirmative responsibility to encourage public participation. Usually, however, a target population and the operational meaning of this kind of involvement were not specified.

In a general appraisal of citizen participation at the federal level in 1976, the Interagency Council on Citizen Participation concluded that:

☐ Authority and responsibility for citizen participation in government agencies are often unclear, deficient, fragmented, or nonexistent.

6

☐ Agency resources (personnel, expertise, funding, organization) for better execution of citizen participation are insufficient when compared with other agency responsibilities.

☐ The policy, commitment, and initiative of agency leadership on citizen participation in the decisionmaking process have been of widely uneven quality and priority.

☐ The planning, execution, and evaluation of citizen participation processes are unresponsive to the real needs and priorities of a large segment of the public.

A 1977 Senate committee report on independent regulatory commissions found that participation by regulated industries predominates; the lack of financial resources is the greatest single obstacle to active public participation by potential participants; and nearly all regulatory agency advisory committees seriously lack representation of consumer and other broad public interests. The committee's recommendations included establishment of an independent nonregulatory consumer agency, creation of internal consumer advocate offices within major federal ratesetting regulatory agencies, and legislation authorizing compensation to eligible persons for costs incurred while participating in certain agency proceedings.

The Carter Administration has undertaken a number of initiatives on citizen participation, including support for a governmentwide office of consumer affairs, a directive to federal agencies to involve the public early in the regulation development process, provision for greater involvement by neighborhood organizations and voluntary associations in implementing the Administration's urban program, strengthening of the White House Office of Consumer Affairs, and study of citizen participation as a part of the President's Reorganization Project.

Other major participation techniques used at the national level include national advisory committees; special national advisory commissions, such as the Hoover Commissions on Organization of the Executive Branch of the Government; and White House Conferences, such as the recent one on Balanced National Growth and Economic Development.

CITIZEN PARTICIPATION AND THE STATES

Intergovernmental mandating of citizen participation is not limited to federal grants-in-aid. For example, state laws in every state require local governments to be operated in the open, and most states specifically require budget hearings and voter approval of at least some local fiscal decisions such as extraordinary increases in local property tax rates and the issuance of local general obligation bonds. Furthermore, about 800 local planning commissions have been established under state law to bring citizens into the planning process.

States also use several mechanisms to encourage citizen involvement in state-level decisionmaking mainly through open meeting and open record laws, improved state administrative procedure acts, better public information on state legislative activities, and more strenuous efforts to encourage public involvement in the development of the state budget.

State Open Meeting Laws

All 50 states have some form of open meeting laws, applying variously to meetings in the legislative and executive branches and requiring public notification.

State open meeting laws apply to state legislative committees, state executive branches and independent agencies, and local governments in all 50 states. They also apply to floor actions of the legislatures in 46 states.

These laws have specific limitations on the use of executive sessions by multimember governmental bodies in all 50 states. They provide for prior notice of the meetings of such bodies in 42 states, require that minutes of such meetings be kept for public information purposes in 37 states, and provide for enforcement by (a) personal sanctions against individual violators in 35 states, (b) voiding the actions resulting from improper meetings in 31, and (c) giving citizens the legal standing to sue violators in 35.

State Open Records Laws

As of 1975, 47 states and the District of Columbia had open records laws, often referred to as freedom of information laws. These laws define those records of state and local governments which are available to the public; set procedures for inspecting, copying, and paying for them; and establish procedures for adjudicating denials of access to public records.

These statutes, however, are not uniform, despite the availability of model acts reaching back as far as 1961. For example, only 17 states provide administrative or judicial review of denials, and some of the laws are too general to be enforced well.

Public Information in State Legislatures

In the last few years, most state legislatures have increased their efforts to become more open and visible to the general public through such means as:

—publishing and making available agendas and schedules for floor action and committee activities;
—setting up "hotline" telephone services throughout the state; and
—improving or making available facilities for electronic media.

Some legislatures fund or encourage substantial in-depth public television coverage of the legislature's activities, sponsor regional legislative meetings throughout the state between sessions, and conduct a variety of educational programs to help the public understand the legislative process. California provides information in Spanish as well as in English.

State Administrative Procedures Acts

Forty-eight states and the District of Columbia have administrative procedures acts. These apply to virtually all state administrative agencies and to an undetermined number of local governmental agencies.

In 46 states, the administrative procedures acts have one or more provisions governing rulemaking by administrative agencies. Forty-five states and the District of Columbia provide for notification about rulemaking procedures; 42 and the District of Columbia provide an opportunity for citizens to present their comments in either written or oral form; while 38 authorize citizens to petition agencies for rulemaking action.

Despite the existence of a model act, there is substantial variation not only among the major provisions for rulemaking, but also on such details as the length of time for notice before actual rulemaking will occur, the procedures for accepting comments, and the procedures for agencies in responding to petitions requesting rulemaking action.

Twenty-five states have a regular publication similar to the *Federal Register* in which they notify the public of rulemaking actions and publish administrative rules or information about their availability and 26 have codified their administrative rules and regulations.

Thirty-four states have formal procedures whereby the legislature reviews the regulations developed by state administrative agencies pursuant to state legislation. Such review may be advisory only, or it may allow for disapproval or delay of a regulation.

State Budget Processes

Of the 50 states, 29 have annual budgets, while 21 have biennial ones. Most state budget processes are not especially well geared to citizen participation. Only 17 states provide for hearings in the preparation of the Governor's budget, and even in these cases the hearings are largely for state agency and legislative participation. The legislatures in 37 states, however, do hold budget hearings which usually involve the general public, while private organizations have access to the legislative budget process in 44 states.

Miscellaneous Provisions for State Citizen Participation

At least three states—Hawaii, Iowa, and Nebraska—and a few localities have established ombudsmen offices or similar complaint handling services to assist their citizens in disputes with the government. Several model acts are available for this purpose.

A uniform public assembly act is available to assist state and local governments in facilitating and protecting citizens' rights to hold large public assemblies, subject only to such restrictions on time, place, and manner of conducting the assembly as are appropriate to safeguard the civil liberties of nonparticipants.

As of 1976, 32 states had established state offices of volunteerism. Most are in, or closely related to, the Governor's office and provide a substantial presence for citizen participation advocates in the central policy councils of state government, in addition to providing the services of volunteers in state government.

CITIZEN PARTICIPATION AND LOCAL GOVERNMENT

It is at the local level—the government "closest to the people"—that citizen participation is most prevalent and significant.

The Local Budget Process

One point of citizen involvement is the local budgetary process. Forty states (as of 1975) required local budget hearings or publication of notices about proposed budgets, and even in the ten states where such state requirements do not exist, local budget hearings are held about as often as the average of the other states. More specifically:

- ☐ In 35 states, citizens or taxpayers had some access to decisionmaking on the municipal budget process.
- ☐ In 30 states, citizens or taxpayers had some access to the county budget process.
- ☐ In 23 states, citizens or taxpayers had some access to both the city and the county budget process.
- ☐ In 38 states, publishing notice of a proposed budget and/or budget hearings was required before the final budget could be adopted for a city or county; in one other state, the proposed county budget was open for inspection before final adoption.
- ☐ In 32 states, statutes expressly required public hearings before city or county budgets could be finally adopted; one other state provided for an election to enact the city budget, while two others provided for written complaints or petitions to protest items in a proposed city or county budget.

In spite of the prevalence of these procedures, there is some question about the actual participation in the process by citizens.

An ACIR/International City Management Association survey of a large group of local government officials found that 52% said there was "very little" actual participation in the local budget process by citizens. Only 7% reported "a great deal" of participation.

The 1978 survey also questioned the officials as to the nature of the participation and its effectiveness. It found:

- Some 60% of the municipal and county officials reported that participation in the local budget process usually was through formal mechanisms such as hearings and advisory committees.
- Fifty-four percent of municipal officials and 65% of county officials desired greater citizen participation in their jurisdiction's budget making, while only 2% desired less.
- About 47% of municipalities and 44% of counties reported that they provided staff assistance to citizens wishing to participate in the budget process.

Organized groups participated in over 80% of local budget hearings, according to the survey; on the average, three groups were involved. Senior citizens were the most frequently represented interest. Other active groups included the League of Women Voters, business and industry groups, neighborhoods, racial or ethnic groups, taxpayers and homeowners. The rankings were similar for counties, except that taxpayers groups were more active, ranking fourth.

In their narrative responses, many localities expressed doubts about the effectiveness of citizen participation in the formal budget process. Most comments cited such factors as the late stage at which hearings are held, the other processes throughout the year which predetermine budget commitments, the complex and deadening nature of the figures, low motivation of the average citizen in overall budget matters, and the dominance of special interests. More positive, but less frequently expressed, comments stressed participation in the budget process as a culmination of a year-long process of interaction between organized and assisted citizen groups and their local governments.

Perhaps the brightest spot in budget participation is the experience of localities (particularly in New England) having the town meeting form of government. Eighty-six percent of these localities reported "a great deal" or "a moderate amount" of citizen participation in the local budget process, compared to 49% for the next highest reporting category of local government (council-manager communities).

Advisory Committees

Municipalities and counties both make heavy use of citizen advisory committees. Ninety-five percent of those responding to the 1978 survey, reported having one or more such committees, with 11% having 20 or more.

The average municipality had one-to-five committees with 25-49 citizens on each. About half of the municipalities had more than 50 citizens altogether serving on such committees, and 105 cities reported that the total number of citizens serving was in the range of 200-500.

The average county also had one-to-five such committees, with an average of 50-99 members on each. Thus, county committees tend to be larger than municipal ones.

Citizen advisory committees are required at the local level by 53 federal aid programs. Local planning commissions, most having largely advisory roles under state laws, numbered about 800 in a 1970 count.

Citizen Surveys

Over 50% of large cities and counties (including cities over 100,000 in population, and counties over 250,000) use citizen surveys to provide representative samples of citizen views, helping to balance the often unrepresentative elements of participation found in public hearings and some other commonly used forms of participation.

INITIATIVES AND REFERENDUMS

Direct balloting to decide at least some public policy issues is used in most states and localities, though the authorizations for such voting vary greatly among the states. Advisory votes also are common at the state and local levels.

Direct balloting on issues can be initiated by citizen petition for amending the state constitution in 17 states (see *Table 2*). In 21 states, citizens can vote on state and local laws put on the ballot by the initiative process, and in an additional 11 states, citizen initiatives apply only to local laws. Altogether, 34 of the states (two-thirds) have some experience with the initiative.

Forty-two states provide for the use of referenda to confirm legislative actions through popular balloting. In 35 of these states, both state and local laws (for at least some classes of localities) are subject to referendum. Four states apply the referendum only to state legislation, while three apply it only to local laws.

Fifteen states have all the forms of initiative and referendum, including initiatives to amend the constitution and pass laws at both the state and local levels, and referenda to confirm laws at both the state and local levels.

Many states have special provisions for referenda in fiscal matters. Thirty-seven states have local property tax rate limitations, and 75% (27) of them have some provision for local referenda to allow the limit to be exceeded. States commonly submit their proposed long-term general obligation bond issues to referendum, and 45 states require local referenda to authorize local bonds of this type.

About 35% of both municipalities and counties, responding to a 1978 survey, reported voting on local tax limit changes during the three-year period of 1975-77. Nearly 20% of the municipal referenda and 25% of the county ones were initiated by citizen action. Bond referenda in this same period were held by over 28% of the municipalities.

Thirty-four state constitutional amendments were initiated by citizens in the 1970-75 period.

Referenda on nonfiscal issues were held by about 28% of surveyed municipalities in 1975-77.

HOW WELL DOES IT WORK?

Although we have some clues cited earlier about how well citizen participation works, determination of its effectiveness has been hampered by several problems.

First, legislative bodies seldom, if ever, set

Table 2

STATES WITH DIRECT DEMOCRACY PROVISIONS, 1976

State	Constitutional Initiative	Statutory Initiative		Statutory Referendum	
		State	Localities	State	Localities
ALABAMA					
ALASKA		X	X	X	X
ARIZONA	X	X	X	X	X
ARKANSAS	X	X	X	X	X
CALIFORNIA	X	X	X	X	X
COLORADO	X	X	X	X	X
CONNECTICUT					
DELAWARE					
FLORIDA	X			X	X
GEORGIA			X	X	X
HAWAII					
IDAHO		X	X	X	X
ILLINOIS	X			X	X
INDIANA					
IOWA				X	X
KANSAS				X	X
KENTUCKY			X	X	X
LOUISIANA			X		
MAINE		X	X	X	X
MARYLAND				X	X
MASSACHUSETTS	X	X	X	X	X
MICHIGAN	X	X	X	X	X
MINNESOTA			X		X
MISSISSIPPI					
MISSOURI	X	X	X	X	X
MONTANA	X	X	X	X	X
NEBRASKA	X	X	X	X	X
NEVADA	X	X	X	X	X
NEW HAMPSHIRE				X	
NEW JERSEY			X	X	X
NEW MEXICO				X	
NEW YORK				X	
NORTH CAROLINA				X	
NORTH DAKOTA	X	X	X	X	X
OHIO	X	X	X	X	X
OKLAHOMA	X	X	X	X	X
OREGON	X	X	X	X	X
PENNSYLVANIA			X	X	X
RHODE ISLAND				X	X
SOUTH CAROLINA			X	X	X
SOUTH DAKOTA	X	X	X	X	X
TENNESSEE					
TEXAS			X		X
UTAH		X	X	X	X
VERMONT			X	X	X
VIRGINIA			X	X	X
WASHINGTON		X	X	X	X
WEST VIRGINIA			X		X
WISCONSIN				X	X
WYOMING		X	X	X	X
TOTAL	17	21	32	39	38

SOURCE: Council of State Governments, *The Book of the States, 1976-1977*, Lexington, KY, Council of State Governments, 1976, pp. 176, 216-218 forth clear objectives in authorizing legislation or even in the documented legislative history. Citizens and administrators must try to find direction for evaluation efforts from statutes that speak in such vague terms as "meaningful" or "widespread" or "substantial" citizen involvement. Little if any direction is provided concerning the definition of citizen, the kinds of participative mechanisms to be employed, what procedures to follow in choosing citizens, how agencies are to respond to views of the public, and how those views are to be balanced against other considerations in the administrators' decisions.

The second problem relates to the conflicting biases of the parties involved: administrators responsible for involving citizens in the programs and the citizens themselves. Since the administrator's primary responsibility is to see that the service goals of his or her program are achieved, he or she tends to think of citizen participation in terms of its contribution to those goals. The citizen, on the other hand, views citizen participation as important to the extent that it insures that government decisions are consistent with his or her own interpretation of the public good. Objective evaluation of the views of these two parties concerning "success" of the process is difficult.

And, finally, evaluation is hampered by sheer complexity, involving (a) 31 different forms of participation ranging from presenting a prepared statement at a public hearing to serving on a citizen committee that exercises some degree of program control, and (b) the complexity of government itself, with its many and diverse state and local political systems and their interrelationships as well as their relationships with the federal government and its many programs.

In spite of these difficulties, there are a few recent studies which shed some light on the impact of citizen participation on programs and services. Some preliminary work also has been done regarding its effect on citizen trust in government.

A Rand study of HEW programs, mainly through analysis of case studies, found that advisory committees influence the conduct of local public activities and services, and that the amount of impact depends on the committees' possession of staff, power to investigate grievances, and power to influence budgets. Rand also concluded that participation on committees does not adversely affect program effectiveness. However, the actual amount and quality of citizen participation in HEW programs was unknown, as was the general impact of citizen participation activities. This lack of knowledge stemmed from the absence of systematic monitoring or enforcement procedures.

A study of eight federally aided municipal services by the TARP Institute and the University of Michigan's School of Public Health also sought to evaluate citizen participation. Program performance was positively affected in four of the eight service areas.

In general, the TARP-Michigan study concluded that:

☐ Citizen participation is least effective in the later stages of planning.

☐ The structural complexity of a municipal service system has more to do with the levels of citizen influence than the type of participative mechanism.

☐ Citizen participation plays a limited role in the determination of municipal service performance and little evidence exists of influence over budgetary allocations.

☐ The evidence is weakest on whether citizen participation has any impact on citizen attitudes.

A National Science Foundation funded report analyzed 215 case studies involving five municipal functions. The use of citizen boards and indigenous paraprofessionals was studied. Five outcomes were examined, three of which corresponded to those used in the Rand and TARP-Michigan analyses. Only increased client control was found to be associated with increased levels of participation. Citizen boards were found to be most successful in achieving client control when the board possessed authority to sign off on grant applications or service decisions, to plan for new programs, to investigate grievances, to review expenditures or budget requests, to review personnel actions, and to supervise paid staff.

The Rand report for HEW concluded that citizens' feelings of alienation (lack of trust in government and feelings of powerlessness) are not likely to be reduced by greater opportunities for participation. People may feel greater confidence in their ability to affect a particular program, but not to affect government generally.

The TARP-University of Michigan study, prepared for the National Science Foundation, found more positive evidence of reduced alienation but, as in the Rand-HEW report, concluded that this change was tied to specific programs rather than to an attitude about government in general.

CONCLUSION

The evidence summarized here leads to two concluding points.

First, many Americans expect a great deal of participation in governmental affairs to be open to them, even though they may not always take advantage of available opportunities.

Second, there is a substantial gap between the amount of influence which many participants expect their involvement to have, and the actual effects of participation. This gap, some believe, arises largely from deficiencies in the present citizen participation processes and causes substantial dissatisfaction. While the legal opportunities for citizen participation—whether or not they are exercised in any given instance—may have a substantial indirect effect on the actions of public officials, direct effects often are limited because:

- Citizen participation opportunities are not provided until the latter stages of decisionmaking (as, for example, providing for public hearings just before a decision actually is made).
- Opportunities for participation are frequently limited to a small advisory committee and an open public hearing at the end of the process.
- The opportunities provided are too passive (leaving to citizens' own devices the initiative and the development of capabilities to participate constructively in very complex governmental processes).
- Citizens don't have the time, information, or experience to participate in a meaningful way.

Clearly it costs little to run government in an open and above board manner, perhaps even resulting in net savings in the long run by reducing mistakes and enhancing acceptance of decisions. Just as clearly, however, some methods of participation can be quite costly to government and should be undertaken only when clear benefits are in prospect in given situations.

ACIR RECOMMENDATIONS

While the ACIR study was hampered at many points by inadequate or conflicting information and opinions, the findings and the Commission's experience with, and study of, the history and operation of American government still support the conclusion that citizen participation beyond the electoral process is an essential part of representative democracy in America. It helps to maintain the responsiveness of elected officials and bureaucrats to the citizenry. Given the indispensability of citizen participation as a supplement to the basic electoral process, the Commission believes that governments at all levels should examine their existing citizen participation policies and practices with a view to providing the necessary authority, responsibility, resources, commitment, and leadership to assure that such participation is effective.

The Commission believes that citizen participation is a vital complementary feature of contemporary American government and recommends that governments at all levels encourage citizen participation in their own activities, using caution to avoid common pitfalls such as the inadequately representative expression of views, unnecessary costs and delays in the process and uncertainty about the location of decisionmaking responsibility and authority.

While it is clear from this study and others that existing citizen participation processes in federal grants are imperfect, uneven, and in need of substantial change, it is also apparent that the federal requirements are designed to fulfill important objectives that might not be adequately met if the federal government were to retire from the field. Thus, the Commission recommends that citizen participation requirements remain an important element in federal aid programs.

Nevertheless, there is a great need for reform in these requirements and the way they are administered. The Commission calls for establishment of a general citizen participation requirement for advisory processes which would be applied consistently at the federal level from program to program and agency to agency. A single Executive Branch agency would be designated to oversee the implementation of the requirements and assist agencies in its administration.

The specific language of the two recommendations follows.

RECOMMENDATION 1

CITIZEN PARTICIPATION AT EACH LEVEL OF GOVERNMENT

The Commission concludes that the fundamental mechanism of citizen participation in American democracy is, and must be, the process of nominating and electing representative public officials and, in certain circumstances, balloting on issues through the initiative and referendum. Yet, the Commission further concludes that citizen participation beyond the electoral process, in both the legislative and executive branches, constitutes a vital complementary feature of contemporary American government, and is essential for holding elected and appointed officials accountable, exerting a salutary influence on governmental decisions, contributing to improved governmental services, and strengthening citizens' confidence in, and support for, government.

The Commission, therefore, recommends that governments at all levels provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in their own directly administered activities, including budgeting and financial decisionmaking, in addition to the elective political process.

At the same time, the Commission recognizes that citizen participation processes, as sometimes designed, can compete with the basic responsibility and authority of elected officials and can distort the representatives of such processes. The Commission, therefore, recommends that legislative and executive branches of all levels of government, when providing in legislation and administrative practice for citizen involvement, exercise caution in (a) selecting the types of situations in which citizens are empowered to share in decisionmaking; (b) defining the categories of citizens whose participation is needed to assure fair and equitable representation of all significantly affected groups; (c) guarding against administrative agencies' exploitation of citizen involvement for the agencies' own narrow purposes or for the perpetuation of programs beyond their useful lives; and (d) avoiding the creation of unrealistically high hopes regarding the satisfactions and benefits to be reaped from citizen participation.

More specifically the Commission recommends that, where lacking, state law provide for, as a minimum, (1) open meetings, (2) open records, (3) effective public information programs, (4) equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings at significant decision points in the making of public policy, (6) regular reporting by governmental units on their citizen participation activities along with evaluation of such activities, and (7) the right of citizens to appeal through administrative and judicial channels for the redress of procedural lapses under this legislation. Such legislation should apply to both the executive and legislative branches and agencies of state government, local governments, and regional organizations which are subject to state law. This legislation also should provide for the visible and accountable placement of responsibility for compliance at each level. In addition, it is recommended that such legislation make special provisions in specified cases for the involvement of program clientele—including an appropriate share in decisionmaking, the use of volunteers in program administration, the employment of program clientele, and complaint services—in those state and local programs with direct beneficiaries, and also for the involvement of broad based community, regional, or statewide interests, as well as special interests, in those programs, activities, and state or local planning and policymaking processes affecting primarily the public at large. Finally, such legislation should provide training for citizens and officials involved in all aspects of citizen participation, and technical assistance for participating citizen groups with demonstrated need.

The Commission also recommends that laws, charters, and organic documents establishing local governments and regional public organizations include citizen participation provisions consistent with the state legislation recommended above.

The Commission recommends, further, that the

President and the Congress authorize a review of the several legislative and administrative provisions for citizen participation in the federal government's own direct rulemaking, regulatory, and program formulation processes, with a view toward establishing broadly and consistently applicable, mutually supportive, yet simple and cost-effective procedures for (1) open meetings, (2) open records, (3) effective public information programs, (4) the use of equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings and/or consultation processes at significant decision points in the making of public policy, (6) regular reporting by Executive Branch departments and agencies, and independent regulatory commissions, on their citizen participation activities, along with evaluation of such activities, and (7) the right of citizens to 14 appeal through administrative and judicial channels for the redress of procedural lapses under such provisions. Distinctions should be made, as appropriate, in the applicability of the varying citizen participation procedures to the rulemaking, regulatory, and program formulation processes of the federal government. Responsibility for conducting this review should be assigned clearly to a politically accountable official or agency in the Executive Branch, and the review should be performed with clear opportunity for equitably representative citizen participation. Results of this review, together with appropriate recommendations for legislative and administrative actions, should be reported to the President and the Congress and made public within a specified period of time.

RECOMMENDATION 2

CITIZEN PARTICIPATION IN FEDERAL AID PROGRAMS: A POSITIVE AND CONSISTENT FEDERAL POLICY

The Commission concludes that the federal government has a responsibility to ensure that requirements accompanying financial aid to state and local governments (and other community service organizations) will be applied in a way that will strengthen and support public decision-making processes by providing consistent opportunities for citizens to be heard prior to policy and/or administrative decisions directly affecting them. At the same time, the Commission observes that the more than seven score requirements for citizen participation now appended to a like number of federal assistance programs, taken as a whole, are diverse, complex, confusing, sometimes arbitrary, less effective than they might be, and difficult for some federal aid recipients to comply with. The Commission also observes that the majority of federal grant programs available to state and local recipients do not presently incorporate citizen participation requirements.

The Commission recommends, therefore, that Congress and the President enact legislation establishing general citizen participation policies for advisory processes to be applied consistently throughout the federal aid system, and that under such legislation the President designate a single Executive Branch agency with the responsibility and authority to ensure the consistent application and evaluation of these policies in the administration of federal assistance programs by the various federal departments and agencies. The designated agency should carry out its responsibilities in consultation with affected federal agencies, federal aid recipients, and citizens; and it should have authority to adopt administrative regulations necessary for compliance with the act, to recommend executive action by the President needed to realize the goals of the act, and to recommend to the President and Congress appropriate additional legislation on the subject of citizen participation. The policies established by this legislation should (a) establish clear objectives for citizen participation in federal aid programs; (b) enunciate performance standards that encourage the use of timely, effective, and efficient citizen participation methods tailored to diverse situations; (c) prohibit detailed federal specification of exact techniques and procedures to be followed by state and local recipients of federal aid; (d) rely, through a certification process, upon citizen participation provisions of state and local law and established practices thereunder, to the maximum extent consistent with the objectives established in this legislation; (e) authorize the expenditure of a reasonable proportion of funds in aided programs for citizen participation purposes; and (f) authorize the use of federal research, technical assistance, and training resources for the

support of citizen participation objectives in federal aid programs.

The Commission recommends, further, that this legislation should repeal, after a reasonable transition period, all existing legislative provisions for citizen participation embodied in individual federal aid programs, except those that Congress and the President determine are justified by a need to confer a sharing in decisionmaking on specific groups of citizens benefiting from a specific federal aid program.*

---

*Congressman Fountain disagrees with this general repeal provision because numerous committees of the Congress have jurisdiction in this matter. He believes that it would be advisable to recommend conforming legislation for each of the grant programs affected.

Chapter 1

Introduction

The United States of America is a highly participatory nation, both as a society and as a governmental system. This has been true ever since the nation was founded, but the meaning and practice of participation have constantly changed.

Over the past dozen years or so, citizen participation emerged as a major theme in American intergovernmental relations, reflected in numerous federal aid requirements for citizen participation. Yet, these programs take widely differing approaches to this urge for involvement, reflecting differing viewpoints and purposes among the various participants, governmental units, and public activities.

For some, citizen participation is a necessary means of curbing government, all governments, in their inevitable tendency toward aloofness, arbitrariness, and insensitivity. The ballooning effects of "bigness" in contemporary government is what most concerns this group.

With others, the concern is prompted by the need to improve the delivery of public services by infusing a sense of the peoples' needs and desires. The impulse is to curb and control bureaucrats, and especially the "expert" technocrats.

Others see the disadvantaged, the hitherto politically dispossessed, and the despairing among the nation's citizenry as the focal points of concern. Social problems, arising from their conditions, will never be corrected, so this group argues, if passivity and/or alienation continue to characterize the political behavior of these segments of the populace.

With still others, there is a need to revitalize the concept of popular sovereignty in an age of "Big Government" and especially of "Big Interest Groups." Citizen participation, to these advocates, is a vital part of any real effort to check the power of effective special interests who organize, lobby, and contribute to campaigns, and "get what they want" from government. In effect, these citizen participation proponents seek to establish a "people" power to countervail against the vested interests—in and out of government—so that the "accommodations" reached by such interests will not ignore the concerns of other affected portions of the electorate.

For some, the kind of drastic social change needed to realize the equalitarian as well as the stabilizing norms of our political tradition necessitates effective approaches to strengthening the citizen's capacity to relate to, participate in, and authoritatively influence the governments that affect them. Many citizen participation advocates hold that violence and a range of social disorders will result if the poor and otherwise disadvantaged do not achieve some sense of control over their individual and collective destinies.

In a very real sense, the range of views that seek to redefine the citizen's relationship with governments stems from a perceived failure of the system to approximate Lincoln's governmental ideal—"of the people, by the people, for the people"—and that a "new birth of freedom" is again needed.[1] The "of," "by," and "for" the people, then, are still the basic questions for citizen participation proponents.

THE PURPOSE OF THIS STUDY

When the federal government reenacted its General Revenue Sharing program in 1976, it added a citizen participation requirement affecting virtually all of the nation's approximately 39,000 units of general purpose local government. While numerous federal aid programs have required citizen participation by recipient governments over the years, these recipients were much fewer than the 39,000 receiving General Revenue Sharing (GRS) funds. Thus, the GRS amendments substantially expanded the number of state and local governments subject to federal citizen participation requirements (although these requirements are relatively modest, involving only public hearings). Recognizing this expansion, and being sensitive to the potential for procedural difficulties which might arise, Congress requested in the GRS renewal legislation that ACIR prepare a broad study of the American federal fiscal system, including a study of "the legal and operational aspects of citizen participation in federal, state, and local governmental fiscal decisionmaking."

While this request is stated in terms of fiscal decisionmaking—encompassing such topics as grants-in-aid, budget processes, and participation in taxing and spending matters—it is difficult, if not impossible, to separate such decisionmaking from the related and ongoing process of setting program policies and deciding other matters involving the provision of public services. This has been amply demonstrated by the recent taxpayers' revolt in California in which the voters initiated and approved Proposition 13, which limits the use of the property tax in that state. This decision initiated a reevaluation of practically all local programs, state services, state and federal aids, and the tax structure at all three levels of government. Virtually no corner of government in the United States is escaping this reassessment. This report, then, takes a broad view of citizen participation and the issues it raises.

INTERGOVERNMENTAL ASPECTS OF CITIZEN PARTICIPATION

The Advisory Commission on Intergovernmental Relations has examined certain limited aspects of citizen participation in earlier reports. From the more traditional angle, the Commission has made a variety of recommendations concerning elective offices,[2] representativeness of governing bodies,[3] and referendums for a variety of purposes.[4] On the more innovative side, the Commission has recommended enabling legislation for neighborhood subunits of government in large cities and urban counties,[5] continuation of citizen participation in the federal antipoverty program,[6] establishment of police-community relations mechanisms and programs in local government,[7] provisions for citizen participation in the budget process,[8] and the standardization and simplification of citizen participation requirements in federal aid programs.[9] These Commission positions reflect the presence and importance of citizen participation throughout the federal system, but up until now ACIR has treated citizen participation as an incidental factor in its reports on other topics. This report is the Commission's first in which citizen participation is the central focus.

Despite the hue and cry so often heard about citizen apathy, the urge for people to participate in both public and private activities affecting their welfare appears to be a universal human trait. It is reflected differently in different societies and under different governmental systems, but as people become better educated and economically better off, they become more aware of their potential for influencing their own welfare through group action and individual participation in government. Whether one examines this phenomenon in the United States, or in other industrialized nations, or in the less developed nations, or even in primitive societies, one finds that social changes come about most easily and most lastingly through the participation of those citizens who will be affected.[10] This is true for workers in their work places, residents in the communities where they live, clients in the governmental programs designed to benefit them, and citizens in the legal system governing their responsibilities to society.

Participation in government by the people has a long and deeply rooted history in America. One of the most distinctive features of the United States which struck the French political scientist Alexis de Tocqueville when he came to the U.S. in 1831 to examine what then was a novel democratic experiment, was the high degree of participation by the people in both public and private affairs.[11] Even today, the U.S. is among the most participatory nations.

Traditionally, participation in government has been most direct and most frequent at the local level. Governments at higher levels—states, the federal government, and regional organizations—inevitably have relied much more heavily upon representative mechanisms, and local governments moved more toward this form of democracy as they grew in size. Yet, the American traditions of direct participation in government are so strong that states have provided for it within the local government structures they created, and have accepted it in various ways in their own operations. The federal government also has developed a variety of ways for direct participation in its processes, and has been particularly sensitive in recent years to demands for including citizen participation requirements in its programs of assistance to the state and local governments and other federal aid recipients. Thus, participation by the public is provided now not only within each level of government, but also as a principle of government transmitted by the intergovernmental grant system.

Over 150 federal aid programs mandate citizen participation processes to be carried out by their recipients. These requirements vary greatly from one program to another, and they must be complied with at the same time that recipient state and local governments comply with a variety of participatory mechanisms already provided by state and local law. This creates practical difficulties for the governments which are charged with actually carrying out the programs, and raises the following types of questions:

- What is the relationship between citizen participation processes required in federal grant programs and the electoral, public hearing, and other participation provisions of state and local law?
- How effective and efficient are the citizen participation methods required by the various levels of government? Which governments' provisions are "best?" Do these differ for the different purposes which may be served by the various methods?
- Can federal aid requirements for citizen participation be made more consistent with each other and be simplified for the convenience of recipient governments, without sacrificing legitimate national objectives and without being unduly intrusive?
- To what extent are participatory procedures provided by state and local law adequate to meet national objectives for the assurance of participation, allowing them to be substituted for federal requirements?

These questions are being asked with increasing urgency as citizen participation requirements multiply at all levels of government—under the pressures of minorities, the poor, environmentalists, consumer advocates, taxpayer associations, business, labor, organized public employees, and specific clientele groups for the growing number of programs provided by government.

The participation rights which individuals and groups have asserted and which governments have recognized, in the view of some, have outstripped the ability of government to provide effective and efficient processes of participation. Though debatable, some observers have begun to wonder whether this has created a "Catch-22" situation in which nothing can occur without participation and nothing can occur with it.[12] Citizen roles range from consultation and advice-giving to veto power, and legal recourse often is available to challenge the adequacy of the participation process quite apart from the substance of program decisions being made. The adequacy of procedures may be, and is judged differently by different levels of government and by different groups and individuals. Nonelective processes challenge the decisions made by authorized elective processes. The linkages, then, are blurred, and it becomes unclear in many cases what is meant by the term "citizen participation."

The time clearly is ripe for attempting to clarify citizen participation issues in America and their implications for intergovernmental relations.

FORMS AND PURPOSES OF CITIZEN PARTICIPATION

Although participation by citizens is an integral part of both the ideal and the practice of democracy, it is difficult to define. There is, of course, voter and political party participation, but there is also the participation of individuals as program clientele or simply as interested parties; there is organized participation by every conceivable type of group from citizen associations to special interest groups to official advisory committees developed especially for particular governmental activities; and there is spontaneous participation which may be reflected in protests, demonstrations, judicial proceedings, strikes, and riots. The dividing lines between these different types of participation certainly are not clear. Furthermore, the central focus of citizen participation provisions and reforms shifts from time to time as emphasis at the various levels of government waxes and wanes with respect to direct democracy, representative democracy, freedom of information, freedom of the press, individual rights, citizen activism and apathy, modern social survey techniques, social psychology, consumerism, volunteerism, citizen complaint procedures, and other forces. The many forms and purposes of citizen participation generated by these forces are almost endless. Therefore, this report recognizes the broad scope and changing character of the topic.

As will become evident in later portions of this report, citizen participation is by no means limited to the political process and the making of policy. It is at the heart of the jury process within the nation's court systems, and it also penetrates deeply into bureaucracy. As bureaucracy grows and is assigned increasing responsibilities, the urge for citizen participation in the activities of bureaucracy increases. Many of the citizen participation processes examined in this report are aimed toward opening up the administration of programs to citizens and to political processes at the levels of government where implementation occurs.

Proponents of citizen participation clearly include diverse groups, as the foregoing description of arguments for greater citizen participation suggests. At the "grassroots" level, spokesmen for racial minorities and the disadvantaged came to the forefront during the 1960s, but, as William H. Stewart, Jr., notes "the movement to provide much wider community involvement in efforts to find solutions should not be restricted to blacks and the poor."[13] Indeed, it has not been. Ethnic groups, blue collar workers, League of Women Voters' members, suburbanites, housewives, and many rank and file members of the electorate have championed activist ways of enhancing citizen participation. Chief among their arguments are the anti-bigness, antitechnocrat, antibad services, anti-status quo, and anti-elitist themes, noted above.

From some of the politicians, planners, administrators, and others in government have come additional arguments, favoring greater citizen participation. Promoting racial accommodation, solving community problems, encouraging "positive" rather than destructive conflict, countering such negative attitudes as cynicism and alienation, increasing political sophistication and awareness, and facilitating the implementation of service programs—all are purposes tending to dominate the supportive arguments advanced by these political and administrative officials.[14]

All this is not to say there was, or is a neat division between the motives of the "grassroots" advocates and those of the governmental proponents. The wide variety of citizens and officials promoting improved citizen participation precludes any such hard-and-fast classification of motives according to the extent of one's relationship to government. At the same time, the tendencies suggested here do provide the basis for a classification of these justifications developed by Richard L. Cole and others.

For Cole, most of the arguments favoring citizen participation fall into two groups: "those which suggest that such participation will lead to better, or at least more accountable, municipal services at the neighborhood level;" and those which would argue that "citizen involvement will increase citizen trust and confidence in public officials, thus reducing the likelihood of urban unrest and violence."[15] These contrasting perspectives, in turn, have generated widely differing views about the ultimate goals of citizen participation and, as might be expected, widely varying approaches to ways and means of effectively achieving these goals. Yet, the combination of citizen activist forces with sympathetic officials provided the practical conditions in the 1960s that seemed to make greater and more effective citizen participation a feasible and desirable goal.[16]

Given the diversity of arguments for and groups supporting citizen participation, it is not surprising that a commonly accepted definition is not readily available. Here is a sampling of the definitions proposed by various observers.

Edmund M. Burke approached this task from an American historical perspective: "Stated most simply, it [citizen participation] views the citizen as the ultimate voice in community decisionmaking. Citizens should share in decisions affecting their destinies. Anything less is a betrayal of our democratic tradition."[17] Clifford W. Graves focused somewhat more on the responsive governmental and passive citizen themes and described it as "essentially . . . a device to make government responsive to the needs of all people, particularly those . . . who are left out of the formal governmental decisionmaking process."[18]

Henry D. Harral shifts the focus more to the activities of governments and believes that real citizen participation means "the elected and appointed representatives of our representative democracy . . . share their planning, policy determination and decisionmaking with groups of people who proclaim a more intense ideological or parochial interest in certain specific public matters than does the general electorate."[19]

Melvin B. Mogulof approaches the definitional issue from the perspective of federal policies and practices, and views it as an act or a series of acts by which the "citizen" has the opportunity "to influence the distribution of benefits or losses which may be visited upon him (or upon those people he represents) as a result of federally supported activity."[20]

From a citizen participation handbook developed by Federal Region II comes the relatively simple and focused explanation that "citizens are people whose membership in a population served or affected by specific federal programs entitles them to participate in the design and operation of the program."[21]

Finally, the citizen participation booklet, issued by the Community Services Administration, approached it this way: "Today, virtually all programs in which federally appropriated funds are used require citizen access to the decisionmaking process. With respect to these programs, citizens are defined as those persons whose membership in a population served or affected by a specific federal program entitles them to assist variously in designing, operating, and evaluating the program. The nature of such participation is varied and is established by statute or administrative regulation."[22]

Analysis of these various definitions suggests a few common elements and a number of contrasting ones. Among the commonalities are their explicit or implicit acceptance of the idea that citizen participation no longer can be adequately fulfilled by voting in primaries and elections, and of the fact that the forms it may take defy easy descriptions or classification. Also central to most of these definitional efforts is the notion of the ongoing nature of citizen participation efforts, since the activities of governments that affect the citizenry are never-ending.[23]

Points of difference among the various definitions often center around who constitutes the "participating" citizenry, which governmental jurisdictions and levels it affects, what processes of government it should seek to affect, what forms it should take, and finally, what basic goals it should seek to achieve. In addition, there is a substantial body of criticism of requirements for involving citizens in day-to-day administration. Such criticism notes: (1) the tendency of such involvement to make it more difficult for the bureaucracy to perform its duties; (2) the difficulty of getting citizens to turn out and contribute meaningfully; (3) the tendency of increased participation to stir up trouble and reinforce opposition or conflict; (4) the tendency to give undue influence to nonelected, uninformed, and unqualified individuals, often self-appointed, who have little or no accountability within the political process; (5) the tendency to short-circuit the ballot box and established governmental institutions, enhancing the political power of certain groups without winning it in the regular political process; (6) the tendency toward increased public costs associated with decentralized administration of services; and (7) the unfavorable benefit/cost ratio of citizen participation programs themselves—sometimes they cost too much and produce too little.[34] While these criticisms do not question basic democratic processes, they do question both the workability and the desirability of some forms of citizen participation.

The diverse views about so many critical aspects of citizen participation set the scene for the remainder of this report.

THE SCOPE OF THIS REPORT

As illustrated above, the topic of citizen participation is an exceedingly broad one. It is so broad, in fact, that even ACIR's wide-ranging approach to the subject cannot encompass all of its facets fully. Thus, where it has been necessary to narrow the scope of this report, those facets with less immediate significance for intergovernmental relations have been deemphasized.

Chapter 2 of this report reviews the role of citizen participation in democratic theory—both classical and contemporary—and how participation developed within the general society and the governmental system. The approach is largely that of political theory and practice as well as public administration. Contributions from fields like social work, social psychology, interest group dynamics, political polling, and constituent services—while of legitimate interest—are not emphasized. A study of "volunteerism" in the public and private sectors is not included.

Chapter 3 presents an overview of the various forms and purposes of citizen participation, and concludes with an overview of citizen participation practices at the different levels of American government. This is a very broad chapter, spanning the whole range of electoral and administrative processes, and including legal rights as well as group dynamics. However, no single form of participation is covered in depth.

Chapter 4 examines citizen participation requirements in federal aid programs across the board, and presents a somewhat more detailed description of how these requirements have actually worked in a few illustrative federal aid programs. Participation by citizens at the federal level, itself, is treated only lightly.

Chapter 5 surveys the provisions for citizen participation in state and local governments under their own practices and procedures, and in relation to some federal aid requirements.

Finally, *Chapter 6* summarizes the findings reached in the preceeding chapters, analyzes the current issues in citizen participation across all levels of government in the American federal system, and presents recommendations for action at the federal, state, local, and areawide levels.

FOOTNOTES

[1] From Abraham Lincoln, *The Gettysburg Address*, November 19, 1863.

[2] Advisory Commission on Intergovernmental Relations (ACIR), *Fiscal Balance in the American Federal System*, Vol. 1, A-31, Washington, DC, U.S. Government Printing Office, October 1967; ACIR, *Regional Decision Making: New Strategies for Substate Districts*, A-43, Washington, DC, U.S. Government Printing Office, October 1973; ACIR, *The Challenge of Local Governmental Reorganization*, A-44, Washington, DC, U.S. Government Printing Office, February 1974; and ACIR, *Appointment of State Legislatures*, A-15, Washington, DC, U.S. Government Printing Office, December 1962.

[3] ACIR, *Intergovernmental Relations in the Poverty Program*, A-29, Washington, DC, U.S. Government Printing Office, April 1966; ACIR, A-43, *op. cit.*; ACIR, A-44, *op. cit.*; ACIR, *Toward More Balanced Transportation: New Intergovernmental Proposals*, A-49, Washington, DC, U.S. Government Printing Office, December 1974.

[4] ACIR, *State Constitutional and Statutory Restrictions on Local Taxing Powers*, A-14, Washington, DC, U.S. Government Printing Office, October 1962; ACIR, A-43, *op. cit.*; and ACIR, A-44, *op. cit.*

[5] ACIR, A-31, Vol. 2, *op. cit.*

[6] ACIR, A-29, *op. cit.*

[7] ACIR, *State-Local Relations in the Criminal Justice System*, A-38, Washington, DC, U.S. Government Printing Office, August 1971.

[8] ACIR, a policy resolution adopted at the Commission's regular meeting on December 14, 1974.

[9] ACIR, *Categorical Grants: Their Role and Design*, A-52, Washington, DC, U.S. Government Printing Office, May 1977.

[10] Margaret Mead, ed., *Cultural Patterns and Technical Change*, New York, NY, A Mentor Book, The New American Library, June 1955.

[11] Alexis de Tocqueville, *Democracy in America*, specially edited and abridged for the modern reader by Richard D. Heffner, New York, NY, A Mentor Book, The New American Library, February 1956.

[12] Harlan Cleveland, "How Does the Planner Get Everybody in on the Act and Still Get Some Action?" in Council of State Planning Agencies, *State Planning Issues: 1974*, Lexington, KY, Council of State Governments, June 1974.

[13] William H. Stewart, Jr., *Citizen Participation in Public Administration*, University, AL, The University of Alabama, 1976, p. 10.

[14] *Ibid.*, pp. 19-27. See also Lawrence J. O'Toole, Jr., *The Concept of Participation in the Literature of American Public Administration: A Study of the Orthodoxy of Reform*, a Ph.D. dissertation, Syracuse University, Ann Arbor, MI, University Microfilms International, 1975.

[15] Richard L. Cole, *Citizen Participation and the Urban Policy Process*, Lexington, MA, D.C. Heath and Co., 1975, p. 7.

[16] *Ibid.*, pp. 6-7.

[17] Edmund M. Burke, "Citizen Participation Strategies," *Journal of the American Institute of Planners*, Washington, DC, American Institute of Planners, September 1968, p. 287.

[18] Clifford W. Graves, "Citizen Participation in Metropolitan Planning," *Public Administration Review*, Vol. XXXII, Number 3, Washington, DC, American Society for Public Administration, May/June 1972, p. 198.

[19] Quoted in Stewart, *op. cit.*, p. xv.

[20] Melvin B. Mogulof, "Citizen Participation," *A Review and Commentary on Federal Policies and Practices*, Washington, DC, Urban Institute, 1970, pp. 2-3.

[21] Federal Region II, *Citizen Participation Handbook*, New York, 1976, Introduction.

[22] Community Services Administration, *Citizen Participation*, Washington, DC, Community Services Administration, January 1978, Introduction.

[23] See Stewart, *op. cit.*, p. xv.

[24] Stewart, *op. cit.*, Chapter III. See also James A. Riedel, "Citizen Participation: Myths and Realities," *Public Administration Review*, Vol. XXXII, Number 3, Washington, DC, American Society for Public Administration, May/June 1972, pp. 211-20.

Chapter 2

American Traditions of Citizen Participation

Throughout history, the most fundamental of human political questions have revolved around the extent and form of citizen participation in the affairs of government. To a large degree, the shape of America's democratic tradition, procedures, and federal system has been determined by recurring efforts to answer these questions and to create the procedures and institutions for the practical application of participation. This chapter deals with the theoretical foundations and the evolving application in America of various procedures relating to citizen participation.

THEORY AND THEORISTS

The basic reasons for the dearth of precision, clear purpose, and widely accepted precepts in the definition of citizen participation arise in large measure from the varying emphases placed on it by democratic theorists—both classical and contemporary. At the core of this controversy are varying views of human nature, its capacity and potential, and its actual and ideal relations with society and government. In effect, the different assessments and interpretations of these factors by democratic thinkers, along with the use of ostensibly participatory practices by fascist and communist regimes, have helped generate much of the confusion and continuing conflict surrounding recent efforts to revitalize the citizen's role in America's (and other free nation's) social organizations and governments.

The Classical Theorists and Citizen Participation

THE JEFFERSONIAN TRADITION

Thomas Jefferson (1743-1826), widely accepted as the fount of America's classical democratic tradition, eloquently enunciated the precepts of citizen participation. These principles, in turn, have provided a fertile theoretical basis and, in some cases, the actual motivation for later efforts to expand citizen participation in our system. While Jefferson rarely hesitated to change his views on specific issues of public policy, he never departed from his steadfast adherence to "the rights which God, and the law (natural) have given to all." Woodrow Wilson captured this distinctive trait of Jefferson when he wrote that his greatness did not consist so much "in any one of his achievements, but in his attitude toward mankind."[1] As prime author of the Declaration of Independence, founder of the Democratic-Republican Party, framer of the Statute of Virginia for religious freedom, and early friend (and later critic) of the French Revolution, Jefferson served as a life-long "Apostle of Human Rights," as Alpheus T. Mason has described him.[2]

From his doctrine of natural rights, with its libertarian and egalitarian components, came his theories of popular sovereignty, compact basis of government, and right to revolution against a government that pursues a "long train of abuses and usurpations" against such rights. In his *Notes on Virginia*, he wrote, "Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are its only sole depositaries. And, to render even them safe, their minds must be improved to a certain degree."[3]

Greater popular education, then, through a free press and debate, open inquiry, a "more general diffusion of learning," and "free schools" were espoused (though not always adhered to or enacted). In addition, Jefferson's concept of a "hierarchy of republics" was a vital feature of his grand design for making a popular self-government workable.

At the local level, he urged: "divide the counties into wards of such size as that any citizen can attend, when called on, and act in person. Ascribe to them the government of their wards in all things relating to themselves exclusively.... These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation."[4]

In terms of the tiers of government, he marshalled the units into: "1, the general federal republic, for all concerns foreign and federal; 2, that of the state, for what relates to our citizens exclusively; 3, the county republics, for the duties and concerns of the county; and 4, the ward republics, for the small, and yet numerous and interesting concerns of the neighborhood; and in government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters, great and small, can be managed to perfection. And the whole is cemented by giving to every citizen, personally, a part in the administration of the public affairs."[5]

He sought, then, to keep the heaviest servicing responsibilities with those governments that are closest to the people and the fewest to that jurisdiction that was most distant—the federal government. The wards in his hierarchy were, in effect, replicas of the direct democratic units that the New England town meetings constituted in his time (and ours).

"The true foundation of republican government," for Jefferson, "is the equal right of every citizen, in his person and property, and in their management."[6] Hence, his stress on expanding the general suffrage, on equal representation in legislatures, on an executive chosen popularly, on an elective judiciary, on justices, jurors, and sheriffs that are elective, on the ward divisions (below the county level), and on periodic amendments to the constitution(s).[7] These were the means of securing "self-government by the republicanism of our constitution, as well as by the spirit of the people."[8] A mixture of representative and direct democratic techniques is endorsed, then, as the best means of achieving (and sustaining) a responsive and responsible people's government. After all, the control of the people "over the organs of their governments" is the "true" measure of the system's republicanism and he was not satisfied that this had been achieved at the local, state, or federal levels during his lifetime.

The personal freedom and extensive participation which formed the cornerstone of his "Empire of Liberty," were viewed as having both individual and systemic benefits. To violate individual rights or to curb political participation was, in his mind, to ignore man's endless capacity for growth and development.[9] Moreover, the worth of any governmental/political system "is the worth of the individuals composing it."[10] The individual, society, and government, then, all benefit, though in different ways. In this context, his positive approach to the ways of extending citizen participation is both instrumental (making things happen differently) as well as an end in itself (by enhancing individual self-development and keeping the system "republican").

Jefferson's specific devices for achieving greater citizen participation provided many of the basic tenets of most subsequent American democratic reform movements. Such participatory techniques as rotation in office, equal suffrage and representation in the decisionmaking process of higher local governments, and direct representation and input at the local level would act to control and curb governments and render them responsive and accountable—concepts as contemporary as the latest publication of *Common Cause*. Without pondering Jefferson's legacy of ideas relating to the role of the citizen in a representative system (while sometimes ignoring his political practice and policies), one cannot appreciate the ideological roots of the Jacksonians, the early Republicans, the Populists, Progressives, and even the citizen participation movement of the past dozen years (though few in it appreciate the extent of their indebtedness).

THE EUROPEAN TRADITION

Some intellectual assessments of citizen participation and its role in a democratic system have looked more to European thinkers for the philosophic roots of the current movement—both here and abroad. Moreover, some of the latter day revisionists of democratic theory as well as some of their critics have "discovered," debated, and sometimes denied basic tenets of this "classical democratic tradition."

In fact, the question arises as to whether one can really speak of a single "tradition," as Carole Pateman points out in her study of *Participation and Democratic Theory*.[11] Thus, Pateman contends that it is impossible to ascribe a common set of precepts to this tradition (i.e., the ideal of an active, rational, and informed citizen; maximum participation by all citizens; and/or a basic democratic method of government that involves institutional arrangements for making policy decisions for the common will by allowing the people to decide issues through the elections of representatives, who then will carry out the popular will).[12]

While most of the latter day American and European revisionists and their critics (to be discussed later) have not been specific about the classical theorists whose "tradition" they were amending or defending, Jean-Jacques Rousseau (1712-1778), Jeremy Bentham (1748-1832), James Mill (1773-1836), and John Stuart Mill (1806-1873) inferentially were among the earlier democratic theorists they had in mind. All four certainly merit the "classical theorist of democracy" designation,[13] but clearly in the British or French tradition, and only indirectly in the American.

Participation as a "Means:" The Utilitarian Approach

Even cursory analyses of the writings of these men suggest major differences between and among them and agreement on only certain democratic principles and practices. Bentham and James Mill, for example, enunciated a more limited role of the citizen and of participation. Both were utilitarians, hence concerned with achieving a society that yields the greatest good for the greatest number, and both focused on skillful legislators as the chief means of pursuing this paramount goal.[14] Both sought to strengthen the "voice of reason and public utility" initially by way of legal reform, but later with political reform when Mill convinced Bentham that legal reform would never come without parliamentary changes.[15] Both came, then, to sanction universal suffrage, the secret ballot, and annual parliaments, with the electorate having a measure of control over their "deputies."[16]

Though both rejected the theory of natural rights, they still emphasized the critical significance of the individual and of individual rights. The idea of a community having an interest or principle of its own was rejected, for as Bentham put it:

> The interest of the community then is what?—the sum of the interests of the several members who comprise it. It is in vain to talk of the interest of the community without understanding what is the interest of the individual.[17]

"Liberty of the press" and "Liberty of private association," then, were strongly endorsed. In a free government, Bentham stressed, care must be taken with the manner in which power is "distributed among the several ranks of persons that are sharers in it" and "free and easy changes of condition" should occur "between governors and governed," so that "the interests of one class are more or less indistinguishably blended with those of the other."[18] The chief role of the electorate was the selection and removal of their "deputies." Yet, both thinkers felt that legislators were not expected to legislate in a vacuum, ignoring "post-election" public opinion(s).[19] After all, it is in the best interest of a citizen to be concerned with political issues and this involves more than electing good representatives.

In short, Bentham and the senior Mill did not envision a passive or narrow citizenry, but one that learned, debated, and communicated to its deputies—through elections and other more informal means. At the same time, they were chiefly concerned with national institutions, procedures, and legislation, and their participatory principle was geared to fairly narrow purposes—to ensure good government and to guard against governmental encroachments on individual and private interests.[20]

Participation as an "End:" The Educative-Developmental Approach

Citizen participation had a much broader and more central role in the thinking of Jean-Jacques Rousseau and John Stuart Mill. For the former, citizen participation was at the center of his entire political theory and his contribution to the Western democratic tradition. Certain vital prerequisites were necessary, however, if the many benefits Rousseau associated with it were to be realized. Thus, he advocated a relatively small (city-state) system which was to be composed mostly of small landholders.[21] While Rousseau allowed for differentiations in wealth, he stressed the requirement that each man should own some property, for this was the most precious of the citizen's rights. Only from this solid base could the individual citizen acquire the independence and security that gives substance to his social as well as his political equality and freedom.[22]

With these socio-economic conditions prevailing, citizens can gather in assembly as self-reliant, equal persons fully prepared to directly participate in and conduct the public's business. All citizens, thus, "share in the sovereign authority" of the "state." Yet, each citizen owes a duty to "his neighbor" and to the "sovereign people as a whole." At the same time, the requisite social conditions, the reciprocal nature of the "act of association" which establishes and sustains the polity, along with the direct participatory role Rousseau assigned to all citizens, combine to make these obligations far less collectivist in an authoritarian sense than many commentators have supposed.[23] He did not substitute the will of the majority (as expressed in the general will) for that of the few (which he rejected) as some have claimed. All citizens, according to Rousseau, were independent equals albeit in an interdependent condition, and it was this social condition which distinguished natural liberty from the more preferable civil liberty.[24] The latter form of freedom, while depriving man of many of the advantages he possessed in the state of nature, confers greater ones: "the ownership of what belongs to him," the need to consult "his reason not merely to respond to the promptings of his desires," and genuine free will.[25] As Rousseau explained it: "By dint of being exercised, his faculties will develop, his ideas take on a wider scope, his sentiments become ennobled, and his whole soul be so elevated."[26] The centrality of the participation principle in his thought, thus, becomes apparent, and through it, the seeming contradiction between complete obedience to the general will and individual freedom can be reconciled.

> The undertakings which bind us to the commonwealth are obligatory only because they are mutual: their nature being such that we cannot labour for others without, at the same time, labouring for ourselves. For how can the general will be always right, and how can all constantly will the happiness of each, if every single individual does not include himself in that word each, so that in voting for the general interest he may feel that he is voting for his own? Which goes to show that the equality of rights and the idea of justice which it produces derive from the preference which each man has for his own concerns—in other words, from human nature: that the general will, if it be deserving of its name, must be general, not in its origins only, but in its objects, applicable to all as well as operated by all, and that it loses its natural validity as soon as it is concerned to achieve a merely individual and limited end, since, in that case, we, pronouncing judgement on something outside ourselves, cease to be possessed of that true principle of equity which is our guide.[27]

In short, as Pateman points out, the "only policy that will be acceptable to all is one where the benefits and burdens are equally shared" and "the participatory process" that produces this policy "ensures that political equality is made effective in the decisionmaking assembly."[28] Thus, the process assumes that individual rights and interests, as well as those of the public as a whole, are protected.

With John Stuart Mill, full participation was also a fundamental theme. While rejecting, in his later life, some of the ideas of Bentham and his father, James, Mill continued to adhere to certain of their representative democratic ideas while enunciating his own eloquent participatory theory. Unlike the early utilitarians, Mill felt that good government meant far more than managing the "material interests of society" and "regulating the merely business part of social arrangements."[29] As Pateman emphasizes, this first aspect of government is of secondary importance to him. "If we ask ourselves on what courses and conditions good government in all its senses . . . depends," he wrote in *Considerations on Representative Government*, "we find that the principal of them, the one which transcends all others, is the qualities of the human beings composing the society over which the government is exercised."[30] The primary "question," then, regarding "any political institutions is how far they tend to foster in the members of the community the various desirable qualities, moral or intellectual. . . ."[31] This, in turn, leads Mill to sanction "representative government" rather than an enlightened despotism, as the "ideally best form." The right kind of personal character would not be encouraged under the latter, while the former tends to encourage "self-dependent," "active," and "energetic" traits that benefit both the individual and "the community as a whole."[32] Thus, the managerial and educational aspects of government join, because the former task includes the promotion of the proper type of citizen character and to do this, the right type of institutions are required.[33]

If the proper institutions are to be fully representative, the arrangements must include, for Mill, universal suffrage, proportional representation and proper respect for minority rights and opinions, the secret ballot, no electoral "filterings," and an open and vigorously deliberative national legislature. Yet, central to his participatory principle was the strong role he assigned to local governments. "It is but a small portion of the public business," he stressed, "which can be well done or safely attempted by the central authorities."[34] A sharing of the great "aggregate of" governmental "duties" between "central and local authorities" is "indispensible" and the latter became his "chief instrument" for the "public education of the citizens."[35] Citizen participation in "general politics," by necessity, was a fairly limited, though significant, activity. However, in the case of local bodies, besides "the function of electing, many citizens in turn have the chance of being elected, and many . . . (may) . . . fill one or other of the numerous local executive offices."[36] In these posts, the citizens will "have to act for public interests as well as to think and to speak, and the thinking cannot all be done by proxy."[37] While rejecting direct popular administration of the local public business, Mill clearly found in local representative units a basic means of fulfilling the prime educational role he assigned to government.

Nonetheless, throughout Mill's thinking, runs the theme of having the "wisest and best" in positions of authority, and this "elitism" is reflected in his approach to elections, his rejection of pledges required of legislators, his denial of the need for annual parliaments, his respect for the professional administrator, and his refusal to embrace direct democratic approaches to local governmental decisionmaking. As he explained it, there are two "co-equal" requisites of representatives in government—"responsibility to those for whose benefit political power ought to be, and always professes to be employed; and jointly therewith to obtain, in the greatest measure possible, for the function of government, the benefits of superior intellect, trained by long meditation and practical disciplines to that special task."[38] Hence, he diverges from Rousseau in a very fundamental way while, at the same time, developing a link between his thought and that of the elder Mill and Jeremy Bentham.

In a more basic sense, he reformulated Edmund Burke's theory of the national legislator, though in a fully democratic setting. The electors have a right to know how the representative intends to act and what public opinions guide his conduct. If some of these "are unacceptable to them, it is for him to satisfy them that he nevertheless deserves to be their representative; and, if they are wise, they will overlook it in favor of his general value."[39] While valuing the "full freedom" of the representative "to act as he in his own judgment deems best," he also cautioned that "deference (by the electors) to mental superiority is not to go to the length of self-annihilation—abnegation of any personal opinion."[40] In the final analysis, a "people cannot be well governed in opposition to their primary notions of right, even though these may be in some points erroneous."[41]

The relationship between the representative and the represented may be a tense one, yet one that is healthy for the managing part of government, as well as its educative role. Electors have the right, especially during campaigns, to ascertain the "political opinions and sentiments" as well as the qualities of candidates. They are not only "entitled, but often bound to reject one who differs from themselves on the few articles which are the foundation of their political belief."[42] However, once in office, they should tolerate his "experience and acting as opinions different from theirs on any number of things not included in their fundamental articles of faith."[43] Such a relationship is necessary if majority opinion in the national legislature is to be contested and it is especially necessary if the educative function of government is to be performed effectively.

Though his views lack Rousseau's egalitarianism, they explain Mill's criticism of America's tendency to exclude "the first minds in the country" from national representation.[44] Thus, for Mill, rejection of the delegate theory of representation was an essential feature of a national representative system based on universal adult suffrage. Political debate and discussion would suffer if this principle was applied. After all, only from such "political discussion" as well as from "collective political action" can the ordinary citizen "whose daily occupations concentrate his interests in a small circle round himself, learn(s) to feel for and with his fellow citizens, and become(s) consciously a member of a great community."[45] This psychological result clearly has an "integrative" purpose as Pateman points out.[46] Yet, it also suggests greater citizen assertiveness and more positive participation as his political sophistication increases.

Generalizations about the European Tradition

From this brief assessment of four classical democratic theorists in the European tradition, certain generalizations emerge. First, as Pateman points out, there is no single "classical democratic tradition," but two or more, depending on how one gauges the approach of these and other thinkers, to the representational, role of government, and citizen participation issues. Second, with the four reviewed here (and by Pateman), there clearly is a marked contrast in their approaches to citizen participation, with two stressing the representational and governmental aspects and the other duo stressing the citizen developmental features. Third, with the latter two—Rousseau and Mill—much more emphasis was placed on local government; one making it the state itself and the other a vital contribution to national and popular educational efforts. Fourth, between these latter two, major differences emerge as to the merits of direct popular decisionmaking and administration, hence their contrasting views on the value of representation and representatives, on the proper forms of citizen participation, on a differentiated class structure, and on intellectual and moral capacity as basic social differentiators. Finally, the contrasting views of citizen participation presented here have had their 20th century adherents, whether in fact latter day theorists have recognized the extent of their ideological indebtedness.

The 20th Century Theorists and Citizen Participation

The advent of industrialization and urbanization, big government and big interest groups, and the mass media (not to mention totalitarian regimes that have relied on pseudo-participatory devices) have made it difficult for 20th century theorists to adhere to classical values and practices, regardless of their social and/or conceptual origins. Moreover, empirical studies showing considerable gaps between the character and actions of the "ideal" citizen and the political/social attitudes and performance of the "real" citizen have caused a number of contemporary theorists to revise or reformulate traditional notions about the nature, role, and outcome of citizen participation.

Though it is difficult to generalize about the range of these writings, especially over the past three decades or so, by economists, political scientists, sociologists, and journalists—mostly but not exclusively American—two fairly distinct schools of thought do emerge: the Realistic Revisionists and Egalitarian citizen participation advocates.[47] It is their broadly contrasting views of the citizen, his or her capacities, and his or her relationships (both actual and potential) in an urbanized, mass society that is the chief differentiating factor.

REALISTIC REVISIONIST THEORIES AND THE LIMITS OF CITIZEN PARTICIPATION

Realistic, revisionist theories emerge in the writings of Walter Lippmann in the 20s; Joseph

Schumpeter in the 40s; B.R. Berelson, Robert Dahl, Seymour Lipset, and H. Eckstein in the 50s and 60s. These modern theorists view democracy primarily as a political method without specific goals or economic systems subsumed within it. They generally interpret politics pluralistically (not from the individual's perspective) and in terms of conflicts and accommodations between and among organized interests both in and out of government. They also value social cohesion and stability (though most claim they are "value-free" researchers) over pervasive popular participation and rapid social change. And, finally, they assume or postulate a largely "passive" or "practical" view of the average citizen's participatory role and/or capacity.

Walter Lippmann in the early 20s, was one of the first to address the question of how people can and do cope with the responsibilities of citizenship in a heavily heterogeneous, media-conditioned ostensibly democratic mass society and system.[48] In a 1922 book entitled *Public Opinion* that was far more than mere journalism, Lippmann enunciated a contemporary psychological (rather than a classically democratic rational) view of man's understanding of public issues, personalities, and political environment.

> There are many variables in each man's impressions of the invisible world. The points of contact vary, the stereotyped expectations vary, the interest enlisted varies most subtly of all. The living impressions of a large number of people are to an immeasurable degree personal in each of them, and unmanageably complex in the mass. How then, is any practical relationship established between what is in people's heads and what is out there beyond their ken in the environment? How in the language of democratic theory, do great numbers of people feeling each so privately about so abstract a picture, develop any common will? . . .[49]

Through the manipulation of emotionally charged symbols, through the oligarchic tendencies of all mass organizations, and through the complex changes that 20th century societies have experienced, "persuasion has become a self-conscious art and a regular organ of popular government."[50] Psychological research and modern means of communication, he contended, combined to produce a situation wherein "the practice of democracy has turned a corner."[51] And, as he also pointed out, they reveal most vividly some contradictions in certain traditional democratic tenets. The ideal that, as he phrased it, "a reasoned righteousness welled up spontaneously out of the mass of men" had to confront the reality, even in the 19th century, that all men in a very large environment cannot govern.[52] Moreover, he felt that the philosophic assumption (largely derived from Jefferson) "that all men possessed the instinct [to govern] and could therefore deal with large affairs," could only apply with respect to "the customs and more obvious character of the place where they lived and worked."[53]

The "outer world," for Lippmann, cannot be conceived of "instinctively," and the 20th century demonstrates the accuracy of this finding even more clearly than the 19th. Basic innovations in mass communications and modern analysis have brought the "unseen environment," hence nearly "any aspect of human affairs," within "the range of [individual] judgment."[54] Yet, this radical development encounters the reality of how limited "the range of attention" is for most people, especially with complex political questions. There was "no serious trouble with the omnicompetent citizen" idea, Lippman felt, "until the democratic stereotype was universally applied, so that men looked at a complicated civilization and saw an enclosed village."[55] The precepts and practices of Jeffersonian democracy, then, conflicted seriously with reality even as they evolved; but, he emphasized this is particularly the case in this most complex of all centuries.

What, then, is needed? For Lippmann, certain realistic constraints must condition one's expectations regarding the citizen in a 20th century democracy. "The amount of attention available" must be considered. "The volume of information" cannot be overlooked. "The lack of interest" in all issues must be recognized. As he put it, ". . . the outsider, and every one of us is an outsider to all but a few aspects of modern life, has neither the time, nor attention, nor interest, nor the equipment for specific judgment. It is on the men inside, working under conditions that are sound, that the daily administrations of society must rest."[56] Thus, the outsider can arrive at "judgments about whether these conditions are sound only as the result after the event, and on the procedure before the event."[57] And, politically, more times than not, this takes the form of a simplistic "yes" or "no," whether it is a "measure or a candidate" presenting the "choice to a larger group."[58]

Lippmann's views on the citizen's role in a democratic system clearly were markedly more pessimistic and limited than those of Jefferson or even those of the Utilitarians. Yet, he still respected the power of public opinion in a free system, despite its irrational, inconstant, and manipulatable features. What is more, he hoped that through an educational process that objectifies the subject materials and that nurtures the individual's critical faculty, "public opinions" could be brought "into grip with the environment."[59] All this would depend on the "evolution of knowledge" and he worried that "our knowledge of human institutions is extraordinarily meager and impressionistic."[60] Nevertheless, he indicated (and personally exhibited) a certain faith in the attractiveness of the "scientific method" applied to political and social issues, while still cautioning about the huge difficulty of obeying "reason in politics."[61]

In the final analysis, his prescriptions are geared to rendering public opinions more sensible, less manipulatable, and less confused by complexity. Personal participation as a practical necessity, however, remains largely a reactive, limited political activity.

More than two decades later, Joseph Schumpeter wrote one of the first major revisionist studies to emerge from the academic ranks and most of the later antitraditionalists were, in some way, influenced by his *Capitalism, Socialism, and Democracy* (1943). At the core of his argument is his theory that democracy essentially is a "political method," which need not be associated with any specific goals or particular socio-economic system. To be more precise, "the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."[62]

The focus here is on "the election of men who are to do the deciding," not on the people, their opinions, and the projection of them into political campaigns or public administration.[63] This interpretation provides a necessary corrective to deficiencies in the "classical theory," as he phrased it. It recognizes the need and role of leadership, the place of interest groups, the connection between personal freedom as well as certain rights and the democratic method.[64] Moreover, it avoids equating popular rule with majority rule by focusing on "the acceptance of leadership" as "the true function of the electorate's vote."[65]

The "classical theory" of democracy, according to Schumpeter, was defective on a number of counts. First, it placed too much faith on the "independence and rational quality" of the "will of the individual."[66] Hence, it ignored the role of "professional politicians," "exponents of an economic interest," or "idealists of one kind or another" in manipulating or even creating "the will of the people."[67] Second, it overlooked the basic fact that "the will of the people is the product and not the motive power of the political process."[68] Finally, and linked to this concept of a "common will," is the idea of a "common good," which "classical theory" erroneously believed was the "obvious beacon light of policy," easily defined, and understood by "every normal person" through "rational argument."[69] There is no need here to dwell on the mix of anti-Utilitarian and anti-Rousseauan points which Schumpeter makes, other than to note that there is a blurring of the tenets of classical theory and a failure to note that in many respects his own democratic theory is not so different from that of Bentham and the senior Mill.[70]

Schumpeter, then, was concerned with developing a theory that was realistic, relevant to the 20th century, and responsive to the need, as he saw it, to dissassociate democracy from any necessary linkage with socialist systems. Hence, his focus on democratic means and his openness as to ends. His realism, of course, echos Lippmann's skepticism regarding individual and collective rationality, as well as the journalist's awareness of the influential role of intermediary institutions and groups in a complex 20th century democratic system.

Schumpeter felt that certain conditions were prerequisites "for the success of the democratic method." Among these were "the adequacy" of "the human material of politics" (by which he meant the quality of people who were drawn into political life and by inference a society that had some sort of stratified social system based on competitive testing) and the presence of limits on "the effective range of political decision" (or, to put it another way, a range of private, local, administrative, and supervisory matters should not come before a national legislative body).[71] "A well trained bureaucracy of good standing and tradition" is another necessity, and the electorate should exhibit "self-control" and "a large measure of tolerance for difference of opinion."

These latter popular prerequisites again reflect his constrained approach to citizen participation. Like Mill and the Utilitarians, he rejected the delegate theory of representation and urged that the "division of labor" between the voters and elected politicians be respected.[72] Neither the necessary self-control nor tolerance, he felt, would be found in systems whose citizens lacked a "national character and national habits of a certain type."[73]

To sum up, the citizens are left largely with the vote and the responsibility for keeping the electoral process functioning properly. They can replace decisionmakers in this way, but their actual impact on decisionmaking is at best indirect, and this is as it should be for Schumpeter.

The 50s ushered in a series of behavioral studies that continued to raise basic questions about the assumptions of classical democratic theorists. With Berelson's study of *Voting* (1954), empirical findings are contrasted with the "presuppositions" of traditional normative theory. The assumption that citizens will be interested, rationally debate, and participate actively in political affairs is countered with the finding that citizen interest is not sustained and that the vote is the chief form of participation, though a strong minority fails even to utilize it.[74]

A more realistic picture of contemporary democracy, for Berelson, is one that focuses on the political system itself, not on the individual citizen.[75] The system, for him, meets "certain requirements for a going political organization," even though its individual members "may not meet all standards."[76] And, it is the former fact that permits political democracy to survive. Yet, certain conditions must also be met.

The conditions of survival include a restrained pace of change, a significant degree of social and economic stability, a pluralist social organization, and a basic consensus which "must bind together the contending parties."[77] The implications of a heterogenous (rather than the classic theorist's homogeneous) citizenry are crucial for Berelson. Since the political system performs "contradictory functions," it is salutary that differing political attitudes and habits are distributed among the electorate in a differentiated fashion. As he put it, "we need some people who are active in a certain respect, others in the middle, and still others passive. The contradictory things we want from the total require that the parts be different."[78] Put another way, apathy and limited participation as well as moderate involvement may serve the valuable function of "cushioning the shock of disagreement, adjustment, and change."[79] This clearly requires a modification of the older view that all citizens should be actively concerned, continuously interested, and fully participative.

From the viewpoint of Bentham and the senior Mill, this realistic theory would constitute only a moderate shift from their own. Jefferson, John Stuart Mill, and Rousseau, on the other hand, would recognize it as a drastic change, while Lippmann and Schumpeter would merely find it a further corroboration of their own basic concepts. Yet, Berelson's functionalist concern, his systemic focus, and his view that the amount of citizen participation that occurs is about what a stable democracy requires are novel and stand as precursors of the approach and findings of several later behavioral democratic revisionists.

With Robert Dahl and his writings (beginning in the mid-50s and extending for a dozen years or so), an effort is made to grapple with the fundamental question of "What are the necessary and sufficient conditions for maximizing democracy in the real world?"[80] In response, he contended that his polyarchal theory of democracy was more viable in the mid-20th century than either the "Madisonian" (limited majoritarian via checks) or "populist" (simple majoritarian) approaches. His concept of rule by contending multiple minorities emerges from his analysis of the personal and systemic hurdles confronting efforts to maximize the ideal of political equality in the many stages of contemporary decisionmaking (in both the election and interelection periods).[81] For various psychological, organizational, and practical reasons, Dahl concludes that "neither elections nor inter-election activity provide much insurance that decisions will accord with the preferences of a majority of adults or voters."[82] At the same time, elections stand out as one of his two essential methods of "social control." When the electoral process and "continuous political competition among individuals, parties or both" operate in tandem, "governmental leaders" do become more "responsive to nonleaders."[83] As he explained it, "elections and political competition do not make for government by majorities in any very significant way, but they vastly increase the size, number, and variety of minorities whose preferences must be taken into account by leaders in making policy choices."[84] It is this feature of free elections, according to Dahl, that sets democracies apart from dictatorships.

This polyarchal theory, while a descriptive one, also has its normative features. Certain conditions are postulated and he found that very few systems actually meet these "tests." Put differently, he found few genuinely egalitarian polyarchal systems in the real world. This arises in part because the effective operations of a polyarchy depend upon consensus on these norms and the latter, in turn, is a "function of total social training in all of the norms."[85] Neither of these social prerequisites, he feels, is easy to establish or to sustain.

Yet, Dahl felt that his concept still may give us a more satisfactory idea "about political equality" than the Madisonian or populist interpretations (or the classical democratic theory—though at times he denies there was such a theory). Modern political equality, for Dahl, means the reality of universal suffrage with its potential for influencing outcomes by its role in the competition for votes. It also means the "equal opportunity of access to influence over decisionmakers through interelectoral processes by which different groups in the electorate make their demands heard," as Pateman phrased it.[86]

In short, Dahl sought to set forth a theory that descriptively and normatively was cognizant of 20th century experience, political systems, and empirical data. Leaders and the led, minorities and the majority, interest groups and the administrators, stability and the authoritarian consequences of instability, electoral and interelectoral decisionmaking processes, along with the ambiguities of individual participation and political equality are all probed, and a concept is formulated that seeks to reconcile the inevitably oligarchic nature of decisionmaking with the principle and practice of political equality.

Though later critics have labeled him as elitist, there can be no doubt that Dahl's normative precepts reflect a concern with achieving certain democratic goals (notably political equality) through the polyarchal process. And, while his process may seem "elitist" to some, Dahl felt that it was empirically sound and, unlike Schumpeter, that it afforded some citizens—the more involved, interested, and organized—more than the electoral process as a means of participation.

With Hartz, Lipset, and Eckstein came further revisions of traditional democratic values and/or practice. For the first, the classical theorists (Rousseau, Bentham, Jefferson, and Locke) provided a "negative description of life in the old European world that democracy destroyed."[87] According to Hartz, a gap has emerged between the democratic image (or theory) and democratic practice, a gap that is explained by the earlier theorists' failure to grapple with the real machinery of the system. Their inevitable "individualism" prompted them to overlook the "new pluralism of associations, parties, and groups."[88] Their concept of universal "equality" was a strategem to shatter the rule of an older economic class, largely in behalf of the middle classes rather than the citizenry as a whole. Their idealization of "reason" was necessary to establish the basis for "common judgment among individuals emancipated from the old group establishments."[89] Yet, it became an emotional "cult," in large measure to provide a substitute for the "myths" of church and monarchy.

The negative idealism of liberal democracy, he notes,—individualism, rationality and the popular will—have all been used as a basis of attack against democratic regimes, by Marxists, Fascists, and others. Yet, in the machinery that emerged to make such regimes viable, Hartz finds reality and a basis for optimism about democracy. The pluralism of modern life has enhanced "the range of group choice open to the average individual" and the competition between and among groups (along with the electoral process) produces a kind of general will based on accommodations and political bargaining.[90] Traditional democratic principles, according to Hartz, have inhibited our ability to see the virtues of our democratic machinery which, while far from ideal, do provide a clear contrast with those of authoritarian systems. Moreover, the individual fares better under the democratic system, thanks to the competition, many group associations, and the "ultimate universality" of "the democratic state."[91]

Seymour Martin Lipset's *Political Man*, in many respects, serves as a summary of sociological revisionism. Building upon the theoretical foundations of Schumpeter and Max Weber, German sociologist and economist (1864-

1930), he found that "democracy in a complex society may be defined as a political system which supplies regular constitutional opportunities for changing the governing officials, and a social mechanism which permits the largest part of the population to influence major decisions by choosing among contenders for political office."[92] Three conditions, he points out, are subsumed in this methodological view, and each is reflective of the difficulties democratic regimes have had in the 20th century in remaining democratic as well as viable.

First, there must be a "political formula" or a cluster of beliefs which are accepted as legitimate—political parties, a free press, free speech, and elections.[93] Without such a value system, "democracy becomes chaotic," as in several Latin American countries. Secondly, "one set of political leaders" must be in office. If, "the political game" does not award effective authority to one group, he warned, irresponsible and unsteady government is likely to result as in pre-Fascist Italy and France's Third and Fourth Republics.[94] Finally, one or more set(s) of leaders must be outwardly attempting to gain office; otherwise, the power of the governmental group will grow, and popular influence on its policies will be minimal.[95]

In probing the conditions that tend to support democratic political systems, Lipset found a strong relationship between (a) higher indices of wealth, industrialization, education, and urbanization and (b) "more democratic" regimes.[96] The degree of consensus and the measure of legitimacy accorded to political institutions, he felt, are conditioned heavily by the manner in which three historic challenges to democratic systems were handled: the role of the church(es), the extension of the franchise (especially to working classes), and the distribution of the national income. If these three issues are dealt with—and dealt with successfully—"one at a time," then a "value-integration" process will emerge, and a stable political system will develop.[97]

In analyzing the political attitudes and behavior of groups that do not fully share the body of democratic values, Lipset underscores the potential, if not actual, authoritarian tendencies of "working classes," the "fascist" leanings of various sectors of the middle classes—both here and on the continent—and the oligarchic tendencies of trade unions and political parties.

The empirical data relating to elections (which are a critical element in his theory of democracy) suggest that a big vote need not be "a good thing," while a low turn-out is not inevitably bad.[98] "Democratic societies can exist with different levels of participation," he maintains. A low turn-out can mean that the dispossessed and excessively disadvantaged are underrepresented in government, but it can also signify a basic satisfaction with the system. A high turn-out, on the other hand, can be viewed as a by-product of a highly effective idea of citizenship in operation as well as of loyalty to, and support for, the system. Conversely, it sometimes serves as a prime sign of a society in deep distress. Thus, "neither high nor low rates of participation and voting are in themselves good or bad for democracy;... but the extent of apathy and the varying levels of participation of different segments of the population do clarify the underlying consensus and conflict within the political process."[99]

Lipset, then, is concerned primarily with the conditions that make for stable democratic systems. While he fails to make many overt contrasts between classical democratic precepts and those that he develops, his theory and the supporting conditions that he examined clearly suggest major differences with Rousseau and John Stuart Mill. Moreover, though the theory is nearly identical to that of Schumpeter, his analysis of machinery, parties, and voter behavior reflects a heavy sociological concern with empirical evidence (unlike Schumpeter). He moves far beyond Berelson in his comparative systems analyses and in his probe of favorable and unfavorable conditions for democratic polities. Finally, though his theory is not as fully developed as Dahl's, Lipset leaves the citizen in a democratic system in about the same position as the political scientist did, though with a somewhat greater skepticism about his basic democratic propensities.

Eckstein also concentrates on the conditions which tend to sustain a democratic system. In his *A Theory of Stable Democracy*, he analyzes the social and psychological factors producing stability in such systems. Like Schumpeter, Dahl, and Lipset, he defines democracy in methodological terms where the electoral process decides the outcome of competition for power and policies.[100] To be stable, however, "its authority pattern" must be "congruent with other authority patterns of the society of which it is a part."[101] He warns that this aspect of social relations has too frequently been ignored in analyses of political behavior and of governmental stability. As he explained it, "it stands to reason that if any aspect of social life can directly affect government it is the experiences with authority that men have in other spheres of life, especially those that mold their personalities and those to which they normally devote most of their lives."[102] Stability in any government, then, hinges on the degree of congruency. Yet, among the authority patterns in these differing spheres of a democratic system, there are some that are not susceptible to democratization (i.e., the raising of youth and the operation of certain economic organizations). In other words, for Eckstein, critical nongovernmental molders of political behavior even in democratic systems, by necessity, are not, and cannot be, democratic.[103] Yet, some social organizations close to government are capable of greater "democratic" behavior, and this permits a weak sense—though still a sense—of congruency.[104]

Put differently, instability and stress in a democratic system can, for Eckstein, be minimized if citizens have ample opportunities to learn democratic behavioral norms. At the same time, he contends that stability requires that the governmental pattern be in harmony with those in the nongovernmental areas of action, with a healthy balance between and among "disparate elements" and a "healthy element of authoritarianism" present.[105] Thus, stable democracy, for Eckstein, requires, at least in its national governmental institutions and processes, a less than "purely" democratic authority pattern.

What, then, do these revisionist democratic thinkers provide by way of a composite "contemporary theory of democracy," as Pateman phrases it?

- First, all are constitutionalists (that is dedicated to the concept of limited government, hence a system of regularized restraints on both the governors and the governed); and all reject authoritarian governmental forms, no matter how their respective interpretations are viewed by their egalitarian critics.

- Second, all attempt to base their theories on what they take to be empirical evidence, though a value orientation usually is implicit in their respective interpretations of this evidence (and these orientations do not always agree with one another).

- Third, all enunciate or clearly accept a theory of democracy that involves "a political method or a set of institutional arrangements" at the national level.[106] With practically all of them, the competition between and among differing leadership groups for votes provides the chief means by which the people participate and exercise some measure of control. The electoral process is the key element in their theories, and it is this element that most commonly serves as the prime "democratic" feature of their theories. The necessary conditions for a free electoral process also are usually stressed or tacitly accepted, including universal suffrage, a free press, and open debate.

- Fourth, institutional stability and social cohesion are prime concerns of most of these theories, growing out of the rise of authoritarian regimes in the 30s, 40s, and 50s and the challenges confronting democratic systems in an age of mass media, more electorates, big bureaucracies and interests, urbanization, and industrial (as well as postindustrial) development. Most, therefore, addressed the question of what conditions or factors tend to be supportive of a stable democratic system. Yet, differences in approach and level of detail emerge with some stressing social training and education, others emphasizing cultural values and the historical evaluation of a particular system, still others accenting the need for consensus, a deference towards policymakers and rejection of the delegate theory of representation, some stressing the desirability of low to moderate voter turnout and few forms other than popular participation, and others emphasizing the varying meaning of turnout rates and the need for "equal opportunity" to participate in other than just elections as a means of influencing decisionmakers.

- Fifth, nearly all of these theorists place the citizen in a democratic system squarely with the heavily pluralistic social and institutional setting that is its modern foundation and not within the unfettered, seemingly atomized, individualistic context of some of the classical theorists. Thus, the "machinery," the "system," and/or "the process" are as significant as the individual per se.

- Finally, all stress (or at least accept) the emotional component of politics, political values, and political behavior and the oligarchic character of most organized groups that influence or mold public policy; though this should not in all cases lead to an anti-individualistic, antirational, anti-egalitarian labeling.

Whether a composite "contemporary theory of democracy" can be reconstructed from the writings of these (and similar) thinkers depends on how much their points of agreement are emphasized and their differences de-emphasized.[107] It makes a difference, after all, whether one feels that limited participation is desirable or whether one finds that it is largely inevitable on the part of most citizens in a modern democracy. It also makes a difference whether one is basically sanguine or pessimistic about the citizenry's individual and collective judgments and about the viability of the "machinery" that has evolved to "operate" a democratic system. These are contrasting themes and tendencies that reveal differences between and among Schumpeter and Berelson, on the one hand, and Hartz and Dahl, on the other, with Lipset and Eckstein falling somewhere between the two groups. How much they individually or collectively depart from, or adhere to, the classical theory depends on whether a composite classical theory can be accepted and whether the contemporary theorists are really normative or simply empirical in their approach. The idea of consistent classical theory has been rejected here and the parallel points made by the Utilitarians and some of the 20th century thinkers have already been noted. Moreover, the educative dimension of participation that one finds in Rousseau, Mill, and Jefferson is not wholly overlooked by all of the contemporary theorists, though admittedly most of them give it far less emphasis than their critics. And, this brings us to the range of thinkers who have taken issue with these contemporary interpretations of democracy and/or formulated their own theories of citizen participation.

Critics of the foregoing contemporary democratic theorists generally fall into two categories: those who explicitly take issue with the latter's "elitist" precepts and interpretations and those who develop their own theories for greater citizen participation without special reference to the contemporary theorists.

EGALITARIAN COMMENTARIES AND THE REVITALIZATION OF CITIZEN PARTICIPATION

The overt critics usually argue that the revisionists have modified the classical theory so heavily that the philosophic end product is a new conservatism rather than an adaptive democratic theory.[108] As Jack Walker contends, "the elitist theorists, in trying to develop a theory which takes account of the way the political system actually operates, have changed the principal orienting values of democracy."[109] The "elitist" emphasis on "the needs and functions of the system" and on "stability and efficiency" in their quest for realism, Walker argues, has led to a changing of the "distinctive prescriptive element in democratic theory."[110] The classical emphasis on individual participation and human development, he further contends, has been replaced with a "passive role" for the citizen and a reliance on "the high minded sense of responsibility of . . . [the system's] . . . leaders."[111] Moreover, the acceptance, if not idealization, of elites, poses a basic challenge to the classical democratic "moral and absolute belief in the equality of man."[112]

These explicit egalitarian critics, then, believe that the contemporary democratic theorists have overlooked the fact that "the classical theory was not meant to describe any existing system," but was a "set of prescriptions for the ideal polity which men should strive to create."[113] If the "realistic" revisions of these theorists are accepted, the critics warn, their authors in effect will "become apologists for the existing political order."[114] After all, these egalitarians argue, values underpin the contemporary interpretations just as much as they did those of the classicists.

In assessing these criticisms, Pateman points out that the question of their acceptance of a single, coherent, classical democratic tradition inevitably arises. Moreover, the degree of philosophic coherence assigned the contemporary theorists raises another set of questions, for reasons cited previously. Finally, divisions arise between and among these critics as to whether what they take to be the classical theory is prescriptively sound and relevant in any age or is "normatively sound, but unrealistic" for today.[115]

The last point suggests roughly two approaches to these critics' prescriptions for contemporary democracy. For one group, exemplified by Walker, the "normative shortcomings" of "elitist theory" provided an "unconvincing explanation of widespread political apathy in American society" and ignore "manifestations of discontent not directly related to the political system."[116] By stripping the traditional democratic creed of its "radical elan," it no longer can serve "as an adequate guide to the future."[117] By implication, the traditional participatory principle, for these critics, can serve as a creative guide to the future, because it is still very "relevant to society's pressing needs and urgent problems."[118]

For Bachrach and others, a new democratic theory for the 20th century is needed. This requires a rejection of the explanatory facets of contemporary democratic theorists which tend "to accept as unalterable the configuration of society as shaped by impersonal forces" and "the growing concentration of elite power."[119] Instead, a "modern self-developmental theory of democracy" must be substituted, one that views democracy as both a "political method and ethical end."[120]

As a political method, certain procedural principles should apply: universal suffrage (political equality), freedom of discussion, majority rule, as well as free and periodic elections. Another basic principle, however, is that "the majority of individuals stand to gain in self-esteem and growth toward a fuller affirmation of their personalities by participating more actively in meaningful community decisions."[121] And, here the ethical goal of democracy comes into play and with it a degree of indebtedness to Rousseau, Jefferson, and Mill.

There should be both a popular interest in the participatory process and in the "end results" of politics. Yet, a modern concept of "political," is needed, Bachrach argues, one that recognizes that "large areas within existing so-called private centers of power are political and therefore potentially open to a wide and democratic sharing in decisionmaking."[122] The rich pluralism of the system and the process provide more opportunity for, not constraints on, greater participation.

The illiberal tendencies of the "common man" must be faced, Bachrach concedes, but such a confrontation should not necessarily lead to any idealization of elites. The latter, so the argument runs, are not any more prepared to adhere to procedural rights (at the risk of personal status and power) than anyone else and they have a difficult time arriving at the consensus necessary to safeguard democracy, especially if they operate in an atmosphere that ignores the citizenry. If it is time to abandon the myth of the common man's allegiance to democracy, Bachrach cautions, "it is also time that elites in general and political scientists in particular recognize that without the common man's active support, liberty cannot be preserved over the long run."[123]

With this modern participative theory, Bachrach attempts to counter various tenets of some of the contemporary democratic theorists. The wider areas of political action, the underlying stress on stability, and the analysis of elitist behavior and values—all reflect a conscious attempt to meet his opponents, at least partially, on their own grounds. At the same time, the egalitarian thrust, personal developmental ethic, as well as the societal benefits of a broad participatory process have a Roussean and Millsian overtone to them. They also parallel Walker's less overt emphasis on these tenets of these classical theorists.

Those theorists who focus primarily on a modern concept of citizen participation (generally without extensive debate with the contemporary democratic theorists) include some sociologists, social psychologists, and political scientists. The chief concern of the sociologists and social psychologists is "the effect of the loss of community on society as a whole."[124] For the political scientists, as the analysis of Walker's and Bachrach's writings already suggests, the impact of "nonparticipation on the individual's psychological and educational development" tends to be the dominant interest.[125] Despite differences in thrust, the interpretations and arguments of those two groups are not all that clearly demarcated, and considerable overlaps occur. Moreover, some of the egalitarian critics of the contemporary democratic theorists figure prominently among the political science advocates of citizen participation in that while they attacked the tenets of these theorists and embraced the principles of certain classical thinkers, they also enunciated their own contemporary rationale for broader citizen participation.

From the sociological perspective,[126] the basic societal trend of the past 30 years or so has been the progressive weakening of such institutions as the family, church or synagogue, the small firm, and especially the community—in short, the primary areas wherein individuals can interact and relate with one another, establish alliances, and mount group and, more important, political undertakings.[127] For Stein, industrialization, urbanization, and bureaucratization have "ripped apart the fabric of community life" and the resulting erosion of community ties threatens to "shape the destinies of communities and individuals along irrevocable lines."[128] Kornhauser finds that the lack of contacts and cohesion traditionally provided by community groups leaves the individual today in an apathetic and discontented state, while Stein claims that the "alienation" of Marx and/or the "anomie" of Durkheim are fast becoming the actual behavioral traits of more and more individuals in western societies.[129]

Nearly all within this group worry about the susceptibility of alienated or anomic people to the manipulation of elites, especially totalitarian elites. Given the individual's need for some sense of community and the weakness of "buffer" institutions like the family, church, and community organizations, the state tends to stand out as the only provider of their emotional needs.[130] Hence, these thinkers fear totalitarian elites.

"Group identification," for Kornhauser, and "mediating institutions," for Berger, are a necessary bulwark of freedom.[131] Such an identification and such groups protect the less influential from arbitrary manipulation by elites or "megastructures," as Berger describes them.

Primary, person-to-person groups, then, need bolstering according to these sociologists. Moreover, the authority structures of large private sector organizations need decentralization to strengthen the participatory socialization process. Without these, centralization and arbitrary governmental (and elitist) actions will become even more pronounced than they are now. The solution, then, is greater citizen activism and a more egalitarian socialization process, and a concomitant strengthening of society's primary institutions. A more genuinely pluralistic and participatory system, therefore, becomes their answer to the urban and industrial forces generating large, seemingly impersonal forces dominated by the oligarchic few. And, for some of these theorists, social stability and a viable democratic system will result if these basic social reforms are instituted.

For the egalitarian political scientists, the psychological effect of nonparticipation and participation on the individual citizen is the focal concern.[132] At the same time, many of the societal issues, noted above, are acknowledged by these theorists. In fact, the basic factors conditioning low citizen participation, for them, are about as much societal as they are purely political. Moreover, the dangers of apathy and disengagement are viewed almost as much in terms of social malaise as of a faulty democratic system.

System stability in the Berelson or Schumpeter sense, then, becomes less of a primary concern, though some stress that the individual developmental principle, if really applied, reinforces social and political balance and cohesion in the long run. The avenues of personal action include the traditional electoral processes at all levels, but especially the broad arena of local affairs including program administration.[133] Out of this will come a system, as Pateman summarizes, wherein "maximum input (participation) is required and where output includes not just policies (decisions) but also the development of the social and political capabilities of each individual."[134]

Summary Assessment of Citizen Participation Theory: Contrasts and Commonalities

This analysis of major classical democratic theorists, some of the contemporary revisionists, and the egalitarian citizen participation advocates reveals significant differences within and among these three schools of thought. To ascribe a common set of principles to any of the three is to ignore the significant differences and emphases that the thinkers within each group exhibit. The foregoing assessment suggests that this is as true of the contemporary democratic theorists as of the classical, and the citizen participation proponents, despite a commonly enunciated principle, vary in their diagnoses of citizen apathy and their prescriptions for a viable democratic system.

Despite the many contrasts, there are commonalities within each of the three and even among them. Thus, the classical theorists idealized individualism, reason (with the possible exception of Rousseau), political equality, and the political procedures necessary to maximize the popular will. The contemporary theorists, on the other hand, claimed to study and assess the machinery of government, the role of elites, the realities of 20th century urban and mass society, and the difficulties (for some the danger) of achieving widespread application of the classical active and interested citizen model. Finally, citizen participation advocates contend that greater involvement on the part of ordinary citizens is an elemental factor in sustaining a healthy social system and a genuine constitutional democracy. Moreover, all of the theorists discussed herein were or are staunch defenders of constitutional democracy (meaning a system of some sort of restraints on both the governers and the governed), civil liberties, political equality (and "universal" suffrage), free and contested elections (save for the direct democrat—Rousseau), and popular majorities.

Why, then, does the debate continue if there is basic agreement on such fundamental principles? The debate arises, of course, because of the real or alleged differences both within and among the three schools of democratic theory as to the actual and potential capacity of most citizens for a fullsome civic life. This, in turn, involves varying views about leadership, the relationship between the citizenry and its political leaders, the real meaning of equality, and methods of assuring social change while preserving social stability.

A basic factor in a thinker's treatment of these issues is, of course, the historical period and political system in which he lived. To the extent that he was attempting to prescribe an ideal democratic polity as a radical contrast to a starkly undemocratic one, then a highly optimistic view of the average citizen's rational, societal, and civic capacities is usually enunciated, as with Rousseau, Jefferson, and some of today's citizen participation proponents. To the degree that a system is being "improved," but not totally overhauled, a more measured assessment of the citizen's role tends to come into play, as with the Utilitarians and Dahl. Finally, where the system is viewed as having about as many elements of democracy as is possible while still functioning as a viable polity, a much more passive interpretation of the citizen's role seems to emerge, as with Schumpeter, Berelson, and Lipset.

Another factor affecting the variety of approaches to the citizen's role is the question of governmental (and societal) size. If the basic governmental unit is small (as it was with Rousseau's, Jefferson's, and some of Jefferson's latter-day adherents' "ward republics"), then a highly participative role is sanctioned. If the nation state is the primary focus of analysis, then a more limited, largely electoral role is enunciated (as with the Utilitarians, Schumpeter, Berelson, and Lipset). When a two-tier, federative, and/or highly pluralistic system is described or prescribed, then a "mixed" theory seems to result, wherein participation is more limited vis-a-vis national governmental institutions, but much broader at the local level and in societal groups. Mill, Lippmann (by inference), Hartz, Dahl, and Eckstein, in differing ways demonstrate this tendency.

A related factor is the degree of complexity that the theorist finds in public policies and issues. For different reasons, Rousseau and Jefferson tended to view governmental questions in relatively uncomplicated terms, and both enunciated a sanguine view of the citizen's participatory capacity. With the Utilitarians and John Stuart Mill, national agenda issues were considered more complex, so the agency theory of representation was rejected. For nearly all of the contemporary democratic theorists—especially Lippmann and Schumpeter—20th century national and international issues were extremely intricate, requiring access to a vast amount of complex information as well as a sufficiently large amount of time in which to make reasoned decisions based upon that information; hence their skepticism about the ordinary voter's ability to cope continuously with such matters. At the same time, Hartz, Dahl, and Eckstein see more than a mere electoral role for some citizens in the national decisionmaking process, thanks to the role of interest groups. Even with some of the citizen participation theorists, the complexity issue, though rarely treated frontally, is given tacit recognition by their focus on greater local and group participation efforts.

The ultimate factor in the theorists' varying views on citizen participation, however, is the extent to which such views depend fundamentally on the mass of citizens participating in more than simply the electoral process. Here, contrasting principles of individual development and education come into play, as do differing views about the nature and extent of constraints that limit individual improvement. For Rousseau, Jefferson, John Stuart Mill (to a lesser degree), and most of the contemporary citizen participation proponents, governmental and social systems are more the hurdles than any frailties in human nature or reason. With the Utilitarians, Schumpeter, Berelson, and Lipset, the "machinery of government" issue is just as important as the issue of individual development. Hence, they hold more restrictive views on citizen participation. But for Lippmann, Dahl, and Eckstein, the individual and his need to participate are not forgotten, even though the inevitably limiting nature of modern intermediary institutions is fully recognized.

Many contrasts, some common points of agreement, a stream of continuity from some theorists in the classical period to those in later ones, but many discontinuities between them—these are the themes that emerge from this analysis of democratic theory and theorists.

PARTICIPATION IN PRACTICE: ITS EVOLUTION

The American history of putting into practice democratic principles relating to citizen participation involves three differing but interrelated movements: (1) a continuing effort to expand the suffrage, stretching over a period of a century and a half; (2) perennial drives beginning in the 1820s to "reform" the political processes by which candidates are nominated; and (3) recurring efforts to expand direct popular control of government(s). In these three movements, one finds an unending attempt to give practical meaning to the precepts of popular sovereignty, political equality, individual rights, and majority rule, as well as to redefine the nature of elitism, minority privilege, and antipopular practices in light of changing social, economic, and political conditions. From one vantage point, this sage of American democratization may be viewed as an evolving practical realization of Jeffersonian principles. From another, it reflects a continuing conflict between Jeffersonian idealism and Hamiltonian realism (and, some would say, Jeffersonian pragmatism).

Expanding the Electorate

ENFRANCHISING WHITE MALES

Despite the egalitarian and libertarian themes of the Declaration of Independence, significant property holding, tax paying, and, in some cases, religious (not to mention racial, sexual, and age) qualifications constrained the suffrage until the admission of the first "western states" into the Union and the advent of Jacksonian democracy. "The general pattern was, first, to eliminate the property-owning qualifications and to substitute tax paying requirements which was, in turn, removed."[135] Moreover, nearly all of the newly entering "western" states extended the vote without property tax or tax conditions, thus providing much of the political base for the Jacksonian movement. In the older eastern states, however, some conflict emerged.

Between 1778 and 1842, eight of the original 13 states moved to eliminate the tax paying requirement. The ensuing debate was sometimes spirited and revolved around philosophical as well as practical issues. Thus, in the New York Constitutional Convention of 1821, Chancellor Kent warned that "the tendency of universal suffrage is to jeopardize the rights of property and the principles of liberty."[136] Nonetheless, ignoring the Chancellor's admonition, New York removed the property requirement.

During the Virginia Constitutional Convention (1829-30), on the other hand, conservatives successfully dominated the suffrage debate. Setting the traditional tone, John Randolph convincingly cautioned his fellow Virginians that "the lust of innovation has been the death of all republics."[137] Furthermore, his conservative stance prevailed until 1850 when the state finally lifted its property qualification.

By the end of the 1850s, with only four states clinging to tax paying requirements, most of the barriers to universal white male sufferage had been eroded. (Yet, even today some jurisdictions restrict voting on bond issues to persons paying property taxes.) While many of the early conservative arguments against extending the suffrage appear, in retrospect, self-serving, special interest motivated, and emotionally antiurban, the concern of some about the possible manipulation or control of propertyless voters by the more affluent is a theme that later liberal reformers and even some contemporary citizen participation advocates would echo.

BLACK VOTING EMANCIPATION

Of all the hurdles confronting the tendency toward universal suffrage, the racial has been the highest. Paradoxically, the drive for white male universal suffrage during the Jacksonian era was accompanied by efforts in northern states to disenfranchise free black men.[138] "In the end, enslaved blacks without liberty," as Gordon S. Wood phrased it, "and free blacks without citizenship were such contradictions of the revolutionary ideals (of popular sovereignty and political equality) that sooner or later those contradictions had to tear the country apart."[139]

Following the Civil War, when northerners debated alternative approaches to reconstruction in the south, they advanced slowly but steadily toward black suffrage. With the *Reconstruction Act of 1867*, the 14th amendment, and especially the 15th amendment, politics, post-war circumstances, and some idealism combined to erase legal barriers to suffrage on the basis of race. For about eight years, assisted by the presence of military force, black enfrancisement (and carpetbagger governments) was a reality in the south. With the removal of troops in 1877 and the return of white political supremacy, a series of formal (gerrymandering, complicated registration procedures, poll taxes, literacy tests, etc.) and informal (intimidation) techniques were used to curtail black voting. By the turn of the century, blacks were generally disenfrancised in all southern states.

Over the next half century, the political branches of the national government assiduously avoided confronting the gap between constitutional precept and practice, largely because it was assumed that force alone could make black suffrage a reality in Dixie.[140] This left the matter to the Supreme Court and a string of cases emerged dealing with state statutes whose practical effects, but not constitutional form, ran counter to the clear prohibitions of the U.S. Constitution. Sometimes the Court focused narrowly on legal form, as in *Williams v. Mississippi* (1898) and *Giles v. Harris* (1903) and at other times it went beyond form to probe practical effects, as in *Guinn v. U.S.* (1915) where the "grandfather clause" of the Oklahoma Constitution was struck down.[141]

After 1900, the emergence of the so-called "white primary" proved to be a particularly effective means of practical black disenfranchisement in the one-party southern states where a primary win was tantamount to election. Litigation over this device centered on whether a political party could do what a state was banned from doing. It took two decades and four major, but varying decisions to arrive at a final opinion. That decision, based upon 15th amendment prohibitions, forbade party primaries the use of discriminatory practices, for the primary was judged an "integral part" of the electoral process.[142] In this, as in other cases, the Court's delays related to the unwillingness of Congress and the Presidency to involve themselves with the issue and their tacit acceptance of the assumption that certain basic social changes would have to occur before the issue could be resolved in a politically realistic climate.

By the 50s and especially the 60s, the climate clearly had changed and the political branches of the national government, after more than 60 years, again moved even more boldly into the voting rights area. With the *Civil Rights Acts of 1957, 1960, 1964, 1965, and 1970* (and especially the specific and effective voting protections of the latter two), and the 24th amendment (antipoll tax amendment ratified in 1964), black voter registration in the south soared, and southern politics have been transformed.

WOMEN'S LIBERATION: PHASE ONE

The initial drive for women's suffrage was linked with the abolitionists' crusade to end slavery. This campaign made some gains in its effort to remove the legal disabilities of women and to gain the right to vote in school elections. By 1890, 14 states had granted this right and by 1896, four western states had given equal rights to women in all voting matters, with seven more joining the ranks between 1910 and 1914 during the heyday of the Progressive movement.

The drive for national action, though a half century old, only began to take on an aura of militancy by roughly 1913. By a dextereous combination of utilizing electoral strength in those states where women had the vote and a series of vigorous, direct presentations of the suffragettes' case for an amendment to the U.S. Constitution in Washington, the Wilson Administration and the Congress finally reconciled themselves to the proposed 19th amendment. By 1920, the requisite number of state legislatures had acted favorably and another chapter (or at least the legal portion of it) in the evolution of American universal suffrage had been written.

Accompanying this roughly four-score year campaign for political equality was a continuing debate over women's role in and capacity for political affairs. Many of the arguments on both sides of the question were forerunners of those enunciated more recently in the Equal Rights Amendment debate. Yet, the increasing political strength of already enfranchised women, the growing role of women in the labor force (especially during World War I), and their heightened militancy during the second decade of this century combined to overcome inertia, traditionalism, and the sexist critiques of that day, not to mention the liquor interests and some corporate forces who feared that their interests might be jeopardized by the extension of the vote to women.[143]

THE VOTE FOR YOUTH

The drive to extend the franchise to younger citizens is the last and most recent of the major efforts to achieve universal suffrage. As recently as the 1968 elections, 46 states adhered to the traditional voting age requirement of 21 years. Georgia, in the midst of World War II, had lowered its requirement to 18 years, responding to the appeal of "Fight at 18, vote at 18." Counterpart efforts in certain other states produced no positive results, nor did President Eisenhower's proposed constitutional amendment in 1954. Kentucky joined Georgia the following year, however, as did Hawaii and Alaska later (but with a 20-year requirement for the former and 19 for the latter).

The renewed drive in the 60s encountered nearly as much opposition until Congress in 1970 enacted a statute extending the suffrage to 18-year olds in both federal and state elections. Shortly thereafter, the Supreme Court held in a test case that the measure was constitutional as it related to federal contests, but unconstitutional as it applied to state and local races.[144] Congress, then, moved swiftly to pass and send to the states a constitutional amendment reducing the minimum age to 18 for all elections. Rapid state actions brought about ratification by mid-1971.

SIGNIFICANCE OF EXPANDING THE ELECTORATE

What, then, do these efforts to expand the electorate signify? The ultimate success of these movements suggests that the basic legal barriers to achieving universal suffrage, one of the most elemental goals of citizen participation, have been overcome, though it took 180 years to achieve this rough realization of Jefferson's ideal of political equality. Citizenship, residence, and disqualifications on criminal or mental grounds, as well as the voter registration process itself, still are formal constraints imposed to greater or lesser degrees in all states. From the very beginning, the states have provided the legal definitions of suffrage and voter registration, constrained, of course, by the prohibitions of certain U.S. constitutional amendments. And, these voting requirements do curb voter participation, especially on the part of the more mobile among us.[145] Yet, when compared to the property, racial, sexual, and age barriers of the past, these must be considered minor and random in their effect, if not rational in their purpose. In effect, then, ours has become largely a self-defining electorate.[146]

Historically, the expansion of the suffrage has been interpreted as a shift or even a drastic change in the basis, distribution, and exercise of political power. In American terms, this was reflected most drastically (1) with the emergence of the Jacksonian movement's egalitarian, western, and populist program thrusts and political style, and (2) with the enfranchisement of 1.4 million southern black voters in the late 60s and its marked impact on campaigns for and the exercise of political power in that region. Both of these developments, of course, were associated with a specific move toward broadening the franchise.

At the same time, the vote obviously is not the only factor constituting political power. As V.O. Key pointed out some time ago, "disenfranchised groups have gained the right to vote without being able to exert the power of the suffrage," as with southern blacks following Reconstruction, and in some cases "the disenfranchised have had power enough to demand and to obtain the vote," as with white males and women.[147]

In policy terms, it is difficult to associate any specific extension of the vote with program enactments that specifically benefitted the newly enfranchised group, though most efforts at extension were usually associated with related drives for substantive legislative changes. With the suffrage, a group is in a better position to promote and especially to protect its interest, but positive legislative enactments are subject to the interplay of multiple political, social, and economic interests, and this interplay usually is enriched by every successive broadening of the franchise. A "concert of interests" must be orchestrated for such enactments, then, and this complicates the task of discerning specific program benefits flowing to newly enfranchised groups.

In terms of actual voter participation, what have these extensions achieved? The Presidential election figures for the period 1824-60 indicate a steady increase in voting turn-out, jumping most drastically from 26.9% of the potential white male electorate in 1824 to 57.6% in 1828 and the election of Andrew Jackson, upward to over four-fifths of this potential electorate by 1860.[148]

The advent of the 19th amendment was associated with a sharp fall-off in overall participation of eligibles from 68% in 1916 to 52.3% in 1920 and 41.0% in 1924. Political historians have explained this largely in terms of the failure, during the early elections following the amendment's enactment, of women of working class and first and second generation American background to exercise their right of franchise.[149] The candidacy of Al Smith in 1928, however, did much to end this pattern of noninvolvement. By the 70s, less then two percentage points separated the rates of male and female participation in the 1972 and 1976 Presidential contests.

With our contemporary sophisticated tools for measuring turnout, it is somewhat easier to gauge the participation impact of the 26th amendment. In the 1972 national elections, over 50% of the 18-to-20-year-old group did not vote, and four years later this figure had risen to 62%.[150]

None of these findings should come as any great surprise to even a casual observer of our electoral scene. Experts have developed several explanations of the greater tendency toward nonvoting in America than in other constitutional democracies.

- First, our system places a heavier burden on the electorate—thanks to our distinctive federal system—than others, involving typically between six to ten primaries and general elections over a four-year period.

- Second, participation generally varies extensively between and among Presidential, midterm Congressional, non-Presidential year gubernatorial, and off-year local contests. Put differently, turnout increases from local, to state, to national elections, especially when held separately.

- Third, in social or demographic terms, study after study has shown that turnout is higher among men (though the margin, as was noted, has narrowed greatly in recent years), the better educated and higher income groups, whites, the middle aged (35-64), and the employed.[151] Behind these many differences, two factors emerge as the primary social-economic indices of higher voter participation: income and educational level.[152]

- Fourth, certain attitudes tend to be associated with the regular voter and others with the nonparticipant. Earlier behavioral studies showed that the former was more likely to be interested in politics, to know the candidates and key issues, to be more partisan, to feel more obligated to vote, and to possess a greater sense of "political efficacy" (i.e., voting makes a difference and voters can influence the actions of decision-makers).[153] These, of course, are not unrelated to the income and educational factors, noted above, and to the experiences and expectations that such citizens have. At the same time, recent opinion studies underscore the decline in partisanship in the late 60s and 70s, the increase in issue voting, the growing lack of confidence about the system, and paradoxically somewhat greater activism and involvement (than was the case with the political generation of the 50s).[154] Moreover, most of these tendencies cut across educational, age, and social categories. What this suggests is a much more "volatile electorate" where elections "turn more on short-term forces" and where voters become more dissatisfied with the political process even as they become more involved in it.[155]

By inference, then, some of the traits ascribed to the nonvoter in the past (a weak sense of political self-confidence and feelings of powerlessness and alienation) are shared by a majority of the electorate as a whole, with some exercising the franchise but others failing to. Witness the decline in turnout among the college educated and the employed between the 1968 and 1976 Presidential elections.[156]

- Fifth, in political party terms, extension of the vote and low or high turnouts have exerted considerable influence historically. Where politics are competitive, an "in-group" frequently seeks to broaden its base by the admission of potential allies from outside. Hence, the Jacksonian effort on the part of disenfranchised white males, the Republican effort to enfranchise southern blacks during Reconstruction, and the drive by Roosevelt Democrats to activate heretofore passive urban electorates. In the more recent period, the general assumption has been that a large turnout favors the Democrats, while "rainy weather is Republican weather."[157] At present, however, with the decline in partisanship and the increasing difficulty of clearly identifying a party's loyal electorate, such generalizations are becoming less accurate.

- Finally, and from the vantagepoint of the American democratic tradition, the suffrage has assumed "such a transcendent significance that it has sometimes obscured the substance of democratic politics and has led to an exaggeration of the real power of the legal right to vote."[158] The suffrage was (and is) viewed as a symbol of citizenship and its possession, as conveying a range of rights. As the drives for adult white male suffrage, black enfranchisement and the 19th and 26th amendments attest, extending the vote has perennially been cited as a basic instrument for reform—a basic means of solving intricate social problems. While efforts to achieve a greater political integration by broadening the franchise have furthered the goal of political equality and universal suffrage, they could not have succeeded without the egalitarian ethic of our traditional political processes. Moreover, political equality in practice has come to mean far more than the vote. The vote, after all, even if extended universally, is but one facet of political power and one conditioner—albeit powerful—of our political processes.

Democratizing the Nominating Process

Closely linked to the successive efforts to universalize the franchise have been companion efforts to reform and democratize the nominating processes. It may be currently out of vogue to cite the generalization of E.E. Schattschneider that "the political parties created democracy and modern democracy is unthinkable save in terms of parties."[159] Yet, as much of the foregoing chronicle of expanding the vote suggests and the evolution of "reformed" nominating procedures will show—this statement is basically accurate when viewed from a historical perspective.

KILL "KING CAUCUS"

Most nominations for local office were made by informal mass meetings, or caucuses, of local party supporters during the Federalist-Jeffersonian Republication period (1790-1820). At the state level, initially, party members in the legislature nominated candidates for statewide office. To correct the resulting geographic imbalance "mixed caucuses" emerged in the first decade of the last century, which were composed of legislators and delegates elected from districts that lacked legislative representation.[160] At the national level, the Congressional caucus emerged by 1800 as the basic device for nominating presidential and vice presidential candidates.

The Republican one party, multifactional politics of the mid-1820s, however, acted to terminate the ascendancy of this device. The nomination of William H. Crawford of Georgia in 1824 by the heavily boycotted Republican Congressional caucus, and his poor showing in the subsequent four-way Presidential canvass (along with the violent attacks on the caucus by the supporters of Jackson, Clay, and Adams) ended its use at the national level.

A variety of state-based mechanisms (legislatures, mixed caucuses, and conventions) were utilized as presidential nominating devices for a brief period, until the dominant factions in both of the two emerging parties found it in their interest to convene a national party convention to nominate the two top national candidates (in 1831, for the National Republicans and in 1832 for the Jacksonian Democrats). The device itself, it should be noted, had been launched in 1830 by the first "third party" in our history, the Anti-Masonic Party. And, the national convention has remained the sole nominating mechanism down to our own time—though with basic changes in representation, convention rules and, above all, selection of delegates.

At the state, district, and county levels, conventions also emerged as the dominant nominating method, with "precinct conventions" and caucuses generally prevailing locally. In form, at least, it provided a more democratic means of "transmitting, from local assemblies, the wishes and impulses of the mass of party membership to a central point, where the selection of nominees was made."[161] Beginning with California and New York in 1866, however, legislatures moved to regulate these and other party affairs. With the former, advance public notice of party nominating conclaves was required and qualifications for participation were stipulated. The statute applied, however, only if a party requested it.[162] In the New York case, the law was mandatory, but it only proscribed intimidation and bribery in the conduct of party conventions and caucuses.[163]

Over the next two decades, other states took parallel regulatory action against various manifestations of boss control and manipulation, though the result was a varied assortment of limited, general, mandatory, and optional statutes.[164] Thus began the process of civilizing the party conventions and of making American parties at the state and local levels the most regulated in the world.

THE PROGRESSIVE REFORMS

Beginning in the mid-90s and extending over the next quarter of a century, a wave of new reforms hit the party organizations. All were geared to achieving the Progressive goal of "let the people rule." In the political arena, this meant cleansing the process and the institutions of corruption, vested interest domination, and bossism. The results of progressive efforts were to transform the political system. Their impact is still very much with us.

This campaign to reform politics operated on three fronts. First was the campaign for adoption of the Australian ballot. At the local level, this produced legally nonpartisan elections in numerous jurisdictions, wherein the party labels of candidates were (and are) not listed on an official and secret ballot. At the state level, most followed Indiana's early lead in adopting the system wherein general election ballots are printed, distributed, and counted by public officials, marked in secret, and contain the party label next to the candidate's name. As early as 1892, 31 states had adopted some form of the new system and two decades later practically all had acted.

Second, most states were propelled into enacting extensive legal codes that regulated in great detail the internal affairs of state and local parties, largely as a necessary follow-up to the adoption of the partisan version of the Australian ballot. These included: what committees and conventions they were obliged to have, what procedures were to be used in selecting their adherents, who could join in making party decisions, and what authority one party unit had, if any, over another.[165] The result, of course, was to complete the conversion of the state/local political parties from private associations to public agencies.

Third, and most dramatic of all, was the drive for the direct primary. This, of course, constituted a frontal attack on the nominating convention as a legitimate organ of representative party governance. Despite the attempts to regulate its "abuses," the reformers felt that only with the direct primary could the people "cut through the mesh of organized and privileged power and group control of the government."[166] Only a direct democratic device could represent the people's will, and no matter how representative a convention might be, it always would fall short of this goal.

Wisconsin, under the leadership of Robert M. LaFollette, became the first state to institute a statewide primary in 1903, though South Carolina's Democratic Party had used it as a nominating device as early as 1891. A decade and a half later, all but four states had taken some action and in 32, a comprehensive and mandatory law was enacted. As V.O. Key pointed out, while the drive for the primary is usually viewed as an outgrowth of the Progressives' democratic impulse, it can also be viewed as a logical outgrowth of political conditions in states that had one-party or near one-party systems where factional battles were difficult to resolve in the context of a convention.[167]

The multiple forms of the primary—open (eight states), closed (39 states), blanket or "free love" (three states), and nonpartisan (two states and thousands of local jurisdictions)—need not be detailed here, save to note that the variations relate directly to the degree to which the device is intended to be antiparty organization and presumably pro-people.

At present, 36 states require a primary for all major party nominations for state offices as well as most local posts.[168] In the south, it is mandatory for the Democrats, but still optional for the Republicans in three instances. Nine states have "mixed" systems, combining state conventions and primaries to varying degrees and the remaining pair stipulate it for only selected state posts, though most local offices are covered by the primary device.

The substitution of the primary for the convention as a means of selecting delegates to national party conventions, of course, produced the major modification of the presidential nominating process in this century. Its popularity among the states, however, has been uneven over the more than three-score years that it has been in use—rising to an early peak of 18 states in 1924, slipping steadily downward over the next four decades, to the 15 state mark as recently as 1968, and then moving rapidly to 23 in 1972 and 26 in 1976.

But, what of the results of the primary in general and in light of its promises, five of which were suggested by the Progressive reformers:[169]

—Boss rule would be ended, because it would be impossible to bribe or intimidate thousands of voters.

—Voter turnout would increase, as would voter interest in politics generally, since voters would be involved in all stages of the electoral process.

—The quality of candidates would improve.

—The "direct and undistorted expression of the people's will" would be produced.

—The individual citizen's independence would be enhanced, since the responsibility for political control would be his/hers.

Unfortunately, studies of primary elections do not support these Progressive promises. They all show that turnout is much lower in primaries than in general elections, save for the south during the era when one-party Democratic ascendancy was the rule. They show that many primaries are not contested, especially where an incumbent is running for renomination or where the primary winner is sure to lose.[170] Longer incumbent tenure and the primary, at least in the case of Congressional members, seem to be directly related, if the record from 1870-1910 is compared to that of 1910 to 1970. They show that those who do vote in primaries usually are unrepresentative of the parties' membership as a whole, and in recent years this has provided both of the major parties with more than a few headaches. They suggest that primaries have curbed, if not totally eliminated, old-style boss control of nominations and, some would add, any party control as well.[171] Finally, they show that the primaries have tended to promote a greater special interest group role in the nominating process, reflected in part in candidate-based campaign organizations.

These findings clearly raise basic doubts as to the goals anticipated by the early advocates of the direct primary. The low turnout, unrepresentative, interest-group manipulative features of the device collide directly with the higher turnout, undistorted popular, and nonelitist control results which the Progressives promised. The issue of better candidates is too subjective to permit judgments to be made, and the smashing success of its antiparty thrust raises as many new problems as it solved old ones.

RECENT REFORMS

Recent political reforms largely have been directed toward asserting national party control over the membership of their own organizations and adopting more open procedures for selecting national convention delegates (assuring more representative conventions).[172] The second set of reforms is of special concern here because it involves new efforts to enhance voter involvement in the political arena and is part of the broader contemporary movement to enhance citizen participation generally.

Growing out of the bitter factional battles at the 1968 Democratic Convention, the Commission on Party Structure and Delegate Selection

(McGovern-Fraser Commission) was established. From it, came a series of proposed guidelines which the national committee later adopted in toto, including the abolition of proxy voting, the unit rule, "favorite son" delegations, and the requirement that each state's delegation be representative of the demographic traits of the state's population as a whole. Furthermore, the 1972 convention voted not to seat any delegation in 1976 that had been selected in a "winner-take-all" or an "open" primary and the principle of equal state representation on the national committee was scrapped in favor of a system that reflected more accurately Democratic voting strength in the various states.[173] In the wake of the 1972 debacle, some of these reforms were somewhat modified with a view toward placating elected officeholders at all levels and applying flexibility to demographic quotas when it came to determining the representativeness of a state's delegation.

Only slightly later, the Republicans launched a similar though less heralded effort. In 1968, their national convention directed the national committee to develop the means of implementing the GOP's Rule 32 which stipulates that participation in party activities "shall in no way be abridged for reasons of race, religion, color, or national origin."[174] A year later, the chairman of the national committee appointed the Committee on Delegates and Organization which proposed ten new rules, most of which sought the same goals as the McGovern-Fraser Commission's guidelines. At the 1972 convention, most of these rules were adopted and applied to the delegate-selecting process for the 1976 party conclave.

When these efforts by both parties over the past decade are viewed from a historical perspective, they emerge as the most vigorous campaign for greater and more direct democracy in intraparty affairs since the first two decades of this century, if not the 1820s and 1830s. And, the momentum behind the movement is by no means expended. Witness the continuing interest in some form of a national presidential primary, the evolving role of the federal judiciary in regulating the processes of the national parties, and the continuing debate between and among varying groups within both parties over the wisdom of some recent reforms.

That most of the reforms will stand, there seems little doubt. Whether they sustain what Senator George McGovern called "the most open political process in our national history" (in referring to the process in 1972 by which he was nominated) is another matter.[175] Implicit in this drive, after all, were (and are) themes that dominated earlier party reform efforts: conducting political deliberations openly and in the full view of the citizenry; ending any undemocratic, arbitrary and manipulative role on the part of party organizations, their leaders or their rules; converting political processes and organizations that are not directly democratic into institutions and processes that are fully representative of all sectors of the citizenry; and facilitating a much more active role by the individual citizen in party activities. These, as we have seen, are not recent but perennial political reform goals and, in a sense, reflect a synthesis of Jacksonian and Progressive norms.

Factional power struggles within the parties, however, have usually generated the campaigns for change, and the recent drive was no exception to this historical generalization. At the same time, a democratic, egalitarian impulse was resurgent within the body politic in all of these reform periods, and this raises the question of whether the parties react to broad secular developments or vice versa.

The specific thrusts of the recent reforms—openness, access, and representativeness—no doubt produced changes, as did previous efforts. Most would agree that there was indeed greater participation in both the 1972 and 1976 presidential nominating processes, and that both party conclaves were different in composition (the Democrats more than the Republicans) than their predecessors of the 60s or 50s. Yet, basic questions remain:

- Of what should a party deliberative body be representative? Party members? Activist party members? Active and passive party members? Followers, but not leaders? Both? The electorate as a whole?
- Does greater representativeness, however defined and made operational, enhance electability? The record is anything but clear here, though it generally suggests a negative response.
- Does enhanced political participation, in fact, create new representation (i.e., elitist and minority dominated party decisions) problems, given the perennial phenomenon

of active and passive citizen political behavior?

- Do citizens feel any better about the parties as a result of these reforms? Recent surveys would suggest a more negative overall attitude than at any other point in this century, though the linkage between these general opinions and the recent reforms is not at all that clear.
- Above all, perhaps, does the absence of authoritative party organizations enhance the individual's access to and control over his or her governments? In a very real sense, this is the ultimate question facing the parties and our citizenry in the remaining decades of this century.

While relating to political topics primarily, these issues and the manner in which the nation grapples with them have long term systemic implications. In truth, they all relate to our capacity to adapt or reconcile America's political tradition with its heavily Jeffersonian imprint to a political (and governmental) system that presently is more constrained by a virulent form of special interest factionalism (that would have bewildered Madison) than it is by the cabals, conspiracies, and controlled candidates and agendas of party elites.

Expanding Direct Popular Control of Governments

Efforts to put into practice Jefferson's ideals of political equality and popular sovereignty have involved far more than broadening the franchise and democratizing the nominating process. Eliminating "artificial" barriers to officeholding, expanding the number of posts that are directly elected, democratizing the public service, developing procedures by which the electorate directly can make (or reject) laws or "unmake" public officials, and a comparable effort to expand the opportunities of citizens to influence (and participate in) administrative decision-making are all part of this evolving saga of American democratization. In these various efforts, citizen participation was given new meaning and more arenas for actual practice. While state and local governments were the primary focus of most of these "reforms," the federal government clearly did not fully escape their notice.

THE JACKSONIAN IMPACT

Linked directly to the effort to extend the suffrage to white adult males was the parallel drive to eliminate additional qualifications for office holding. Indiana, Illinois, Mississippi, Alabama, and Missouri all came into the Union (1816-21) with constitutions that opened up political office to the entire eligible electorate. As with the suffrage, the issue was less easily resolved in the east. In a few instances (i.e., Massachusetts) property qualifications applied to high state offices until the latter part of the century, though in most states additional requirements of a property or religious nature were eliminated by the 1850s.[176]

Accompanying the campaign to open up existing elective offices to all within the eligible electorate was a major drive to expand the number of offices to be filled by popular election. This manifestation of popular sovereignty brought a range of state and local administrative offices, that formerly and especially in eastern states had been filled by appointment, within the electoral process.

The movement really began at the municipal level, where up until about 1820, all mayors had been selected by their Governors or city councils. Over the next two decades, however, and beginning with Boston and St. Louis in 1822, charter changes converted the office into a popularly elective post, and by 1840 it had become general practice in nearly all of the nation's municipalities.[177] Accompanying this drive was a parallel effort to make other city administrative officials elective. This campaign was resisted by the councils (which exercised the appointive power) and generally was more successful west of the Alleghenies than in eastern municipalities.[178] In addition, the movement focused on state statutory offices, the full range of county offices, and, in the 1840s and 1850s, on constitutional offices. Hence, with the New York, Illinois, and Ohio constitutions of 1846, 1848, and 1851 respectively, most of the major state executive offices were made elective.[179] Perhaps the most drastic example of this drive for direct election was a proposal advanced in the Illinois Constitutional Convention of 1847 that "there shall be elected by popular vote all the clerks required in the offices of treasurer, auditor, and secretary of state."[180] Though this motion failed, the clerk of the supreme court was made an elective post.

As the foregoing would suggest, the judiciary was not ignored by the Jacksonian proponents of greater popular control of government. A few state constitutions adopted before the movement was launched provided for direct election of judges of inferior courts (Georgia (1812) and Indiana (1816)), but Mississippi's constitution of 1832 was the first to extend the procedure to its supreme court.[181] After a lull, New York followed suit in 1846, despite heavy conservative and even moderate opposition. Between 1846 and 1860, 23 states in various parts of the country adopted the system of an elective judiciary, either in whole or in part.[182]

Out of these efforts to expand the practical application of popular sovereignty came a more representative system of state and local governments, the emergence of mass political parties, and the "long ballot." With the election of a half dozen or more principal state administrative officers, a roughly equal number at the county level, and a varying number of judicial officers, the typical voter at the end of the Jacksonian period faced a balloting experience and a political participation opportunity that probably would have dumbfounded his father and certainly his counterpart abroad in those few nations that then provided for free elections.

This legacy from the Jacksonian era, of course, is still very much with us, despite later countertrends. Election continues to be the dominant method of selection for all or most of the judicial offices in 25 states, and elections are partisan in 14 of these. With state administrative officials, other than the Governor and lieutenant governor, four on the average still are directly elected by the voters, with four states having between eight and ten key offices to fill in this manner.

At the local level, reliable figures are hard to come by, but one estimate of elected offices puts the current count at the 508,000 mark. Clearly, the "long ballot," though not so long as it was three generations ago, still stands as a vivid symbol of heavy citizen obligation and of a rich opportunity for citizen participation. The Jacksonian impulse toward enthroned popular sovereignty through broadening direct citizen control of governmental offices at the state and local levels clearly has not been substantially undermined by later campaigns for the "short ballot," administrative reforms, and greater executive accountability.

Abolition of special qualifications for office holding, and expanding the range of elective state-local administrative and judicial offices, both were lasting contributions of the Jacksonians to increasing the points of access to and the chances for political and electoral participation in these governments. When combined with their broadening of the franchise, application of Jefferson's rotation-in-office principle (producing the patronage system), and their enunciation of a "tribunician theory"[183] of executive power (at both the national and state levels), these efforts began a trend toward decentralization that most later reform efforts only expanded upon.

THE PUSH FROM THE PROGRESSIVES

Building on many of the Populists' proposals and adding more than a few of their own, the Progressives (1900-20) both added to, and occasionally departed from, the Jacksonian efforts to expand direct popular control of government by making it more representative, more responsible, and more responsive. Growing partly out of the lingering western agrarianism (and Populist) discontent, and partly out of a largely middle class revolt in the east and in big urban centers, this movement sought in various ways to bring "the interests" ("trusts," "Wall Street," the "political bosses") to heel and to establish a "people's government." Their program had social, economic, political, and governmental reform components to it, and their supporters came from both of the major parties as well as from the Progressive party which Theodore Roosevelt organized in 1912.

One of the early reforms was directed toward the U.S. Senate. Direct election of Senators had been advocated as far back as 1828. Yet, it took the changed constitutional status of the states following the Civil War, the narrowly special interest role played by certain senators during the "Guilded Age," and the growing practice of permitting voters to indicate their U.S. Senatorial preference in state legislative elections[184] to bring things to a head in 1913 when the 17th amendment was adopted. The effects of this amendment are still being debated. The character and composition of the Senate did change subsequently and political bosses, retinue millionaires, and "corporate pensionaires" were far fewer.[185] How much of this was a product of the amendment or parallel Progressive efforts to destroy urban and state political machines is difficult to discern. It appears more clear, however, that directly elected Senators have been far less willing to serve as spokesmen of their states—in a state governmental sense—than their legislatively selected predecessors.

At the state and local levels, new procedures—rather than Jacksonian extensions—were instituted to maximize popular control and governmental responsiveness. During the first two decades of this century, the initiative, referendum, and recall were enacted in some form by 21 states.[186] Los Angeles launched the recall in 1903. Less than 25 years later, roughly 1,500 other cities had enacted ordinances requiring that a special election be held pursuant to a petition from a stated number or percentage of the voters to determine whether a public official should be removed from office.[187] Oregon extended the recall to state officials in 1908, followed by 11 others over the next dozen years (with seven of these applying it to judges).[188] Thirty-nine states ultimately moved to authorize recall at the local level. A few states, notably Colorado, even extended it to state judicial decisions involving a state law that had been declared unconstitutional. In those days, the device was used fairly extensively, with 76 efforts to remove officials being made in California alone before 1920, and with North Dakotans removing their Governor in 1921.

The initiative and referendum were designed to enable people to draft and enact their own legislation independent of the legislature or to veto the latter's acts. In one sense, these antilegislative devices were merely an extension of an 80-year trend toward circumventing legislative authority. In the Jacksonian period, it took the form of a strengthened executive and constitutional prohibitions on, as well as special majorities required in, voting certain types of legislation. Following the Civil War, efforts to curb legislatures focused not only on special legislation, but also on legislative procedures, compulsory popular referenda to validate certain legislative acts, and municipal home rule.[189] With the initiative and referendum, however, the people assumed a direct role.

Though first advocated by the Populists and championed by William Jennings Bryan in 1896, South Dakota was the first state to apply the initiative to ordinary legislation (1898). The initiative generally confers a positive right to the voters, wherein they may attempt to secure legislation that the legislature refuses or fails to pass. The referendum, on the other hand, has a more negative cast, since it enables the voters to prevent the enactment of measures they deem unwise. With South Dakota, a constitutional amendment was enacted that permitted the people to present legislation by petition to the assembly, and the latter was given the option of enacting the measure or referring it back to the electorate for approval or rejection at the next general election.[190] The Oregon amendment of four years later permitted both constitutional amendments and regular statutory measures to be proposed by petition and these, in turn, were required to be presented to the voters in the next general election for approval or rejection. Most later enactments followed the Oregon model and by 1914, 18 states had adopted the initiative for ordinary legislation, while 12 of these extended it to constitutional amendments as well.[191] A dozen years later, nearly half the states had enacted some form of these populist devices, with western states predominating, and more constraints surrounding their use in those eastern states having them. At the local level, the drive began with San Francisco's adoption of statutory referendum in 1898 and two decades later, 33 states had enacted constitutionally enabling provisions for their cities. Later developments relating to initiative and referendum will be treated in a subsequent chapter.

A progressive reform that was counter to one of the basic thrusts of the Jacksonians—the drive to expand the range of offices subject to direct election—was the "short ballot." The campaign for this reform rested largely on two arguments: the need to increase "democratic control of government" and the need to enhance "efficiency in administration."[192] The first goal emerged out of the practical results of the earlier expansion of elective offices as well as the Progressives' own successes in achieving the enactment of the initiative and referenda. A ballot for the 1916 general election in Chicago, for example, was three feet long and twenty inches wide and listed some 270 names arranged in six party columns. Moreover, the voter was expected to cope with a separate ballot for judges of the municipal court, containing more than 30 candidates' names as well as a "little ballot," two feet in length, setting forth five state and local referenda propositions—a tax amendment to the state constitution, a banking law amendment, a park consolidation, and two city bond issues. During that one year (1916), Chicago voters were confronted with choosing or helping to choose over 300 elective officials.[193] To what extend this was typical or atypical of elections of the period, it is impossible to say. But, it is clear that some of the Progressive reformers were concerned with the burden that the burgeoning ballot was placing on the citizenry and the tendency of political machines to manipulate this situation. Hence, the need for a shorter ballot to make the voter again sovereign.

Coupled with this argument was an entirely different one, one that grew out of the drive launched largely by the eastern wing of the movement to simplify the machinery of government and to render it more efficient and accountable. The short ballot along with longer terms and fewer elections were all part of campaigns to enhance the administrative authority of chief executives and to integrate the administrative components of government.[194] The short ballot, thus, was alleged to promote greater democratic control over governments, while also strengthening the "apparently conflicting principle" of "efficiency in administration."[195]

At the state level, the impetus of other Progressive "reforms" nullified much of the force behind the "short ballot" movement. Popularly elected departmental heads and other constitutional offices were nearly as numerous at the end of the era as at the beginning. Moreover, the number of independent boards and commissions had grown, reflecting the regulatory impulse of the Progressives. By 1919, New York had 116 independent authorities; Minnesota, 75; Illinois, 100; Massachusetts, 61; and Idaho, 42.[196] Most were appointive, but gubernatorial control was minimal in fact. Only in the budgetary field did the Governor's authority really increase during this period.

At the local level, the emergence of three distinct forms of municipal government, each with its coterie of proponents, represented a somewhat more positive approach toward achieving greater accountability to the electorate. The "strong mayor, commission, and council-manager plans, while markedly different in form, all sought to concentrate responsibility with each utilizing a unicameral council and the 'short ballot.'"[197]

To sum up, the push from the Progressives greatly expanded the democratic impulse of the Jacksonians in governments and governmental processes. With the direct election of U.S. Senators (along with the curbing of the Speaker's powers in the House), they sought at the national level to make the Congress more accountable to the people and their representatives. Their successful drive for initiative, referendum, and recall in two-fifths of the states, in effect, added to the already "long ballot," despite the eastern Progressives' championing of the "short ballot." State government generally was more fragmented at the end of the two decades than at the outset. The already heavily fragmented counties saw a less drastic increase, while the cities came out of the period with more of the "short ballot" reforms than the other levels.

Whether these reforms actually enhanced popular control of, and greater participation in, governments is a thorny issue with which to deal. The skeptics have argued that the net effect of most of these "reforms" was to enhance the role of special interest groups, both at the national and state levels, and to generate a governmental system with so many checks within it that even Madison would be amazed and probably angered. The people's will, they contend, was the prime rationale for all of these "reforms," yet new as well as old special interests, new circumventing procedures, a pulverized pattern of governmental power, and an impossible concept of individual civic obligation have frustrated this will. The mechanistic, individualistic, and optimistic overtones of the movement tended to ignore the fact that the evils it was contending with involved far more than tinkering with governmental machinery and the individual citizen acting on his or her own was no match for citizens acting in concert.[198] Above all, perhaps, the critics point out that when old power centers are smashed, new ones will form. If reformers do not fill the power void, others will. As Hofstadter put it, "the formal gains for popular government, while still on the books, lost meaning because the ability of the public to use them effectively lapsed with the political revival that brought them in, and the bosses and the interests promptly filtered back in."[199]

More sympathetic observers stress that (a) the

Progressive reforms of government did establish some new ground rules that generally were an improvement over their predecessors, and (b) the procedural devices championed provided an opportunity for the voters to curb the most egregious examples of corruption, favoritism, and unresponsiveness. Some in this group also point out that, despite their antiorganizational rhetoric, various progressives were excellent political organizers (La Follette, Hiram Johnson, and Woodrow Wilson) and skillful in harnessing the "reforms" to their broader policy goals. Others argue that coming out of the eighties and nineties, the country was in dire need of the Progressive impulse and their reforms to "civilize" the "interests," to enunciate a civic ethical ideal, to narrow the gap between government and much of the electorate, and to provide some innovative means by which Jefferson's ideal of popular sovereignty could be better realized (and popular individualism expressed) in an increasingly complex system.

The bottom line, however, is the assessment of their impact. One of the most authoritative studies of the period found that "the popular reforms neither revolutionalized nor restored anything; they had, indeed, only a marginal effect on the conduct of American government."[200] Others have been more negative, with Herbert Croly, as early as 1914, pointing out that the initiative and referenda were perfectly geared to promote minority interests, given the complexity of many of the policy issues involved and the relatively low turnout in such elections.[201] This theme has a very contemporary ring to it. Witness the following from a recent editorial in the *National Civic Review*: "The direct initiative is not the great tool of democracy so often claimed. While there are some notable exceptions, most times the direct initiative becomes the tool of an elite—be it of the right, left, business, labor or any other special interest."[202]

TOWARD A MORE ACCOUNTABLE ADMINISTRATION

The prelude to most of the recent efforts to devise new citizen participation approaches and devices is found in the nearly century old battle to make bureaucracies more accountable. Beginning with the *Pendleton Act* (1883) at the federal level, and followed shortly thereafter by similar enactments in Massachusetts and New York, the concept of a professional civil service based on the merit principle was introduced as a means of enhancing bureaucratic competence, neutrality, and long term accountability. During the Progressive era, civil service reform gained strength—with 11 states, ten counties, and over 200 cities utilizing civil service commissions by 1920. Over the next half century, this movement continued, with Pennsylvania and Kentucky finally taking action in the sixties. By the mid-70s, nearly three-quarters of all permanent state employees were under some form of merit system coverage.

Paralleling the drive (at least during the earlier period) was a campaign to strengthen the independence of regulatory commissions, beginning with the Interstate Commerce Commission at the national level and public utility commissions at the state levels, not to mention the newly formed civil service boards and commissions.[203] This, of course, was repeated in the 30s and the 70s.

Starting with New York in 1917, and followed shortly by Illinois, a state reorganization movement was launched (based partly on the rationale for the "short ballot"). This movement has yet to run its course. The goal was to consolidate proliferating agencies into a limited number of departments directly responsible to the Governor. An accountable director was to head up a department, and the Governor was to be assisted by staff agencies in the budgeting, personnel, and purchasing areas.[204] Nearly all states were affected by this movement between 1920 and 1957, with some amending their constitutions and others making statutory changes. Though the number of older independent agencies was generally reduced, new programs spawned new units. The effects of these reorganizations were far from permanent, especially in a period of expanding services and regulatory activities. At the local level, the number of cities having the council-mayor form increased more than six times between 1920 and 1950, and 11 counties had reorganized by the latter year.

The first Hoover Commission (on the Organization of the Executive Branch-1947) put new life into the movement. More than three-quarters of the states have reassessed their executive branches (with most taking some actions) since the early fifties. As a result, most state executive branches look more rational and most Governors, more authoritative than their predecessors of three decades ago. Moreover, at the local level, the county reorganization effort gained significant momentum with at least 600 undergoing major administrative overhaul. With cities, managers came to play much more of a "community leader" role, and most mayors acquired much more administrative support.

In effect, the recent drive for greater citizen participation is rooted in the belief that these older approaches to making administrators accountable either have been unsuccessful or are in need of strong supplementary popular action. Merit, professionalism (expertise), and "greater independence" had not produced a more accountable public service, these observers contended. Quite the reverse! With ever expanding services, mounting regulatory efforts at all levels, the expansion of civil service coverage and tenured positions, continuing broad delegations of wide discretionary authority by legislatures, and the comparative weakness of chief executives' powers over their respective bureaucracies, these critics questioned both the objectivity and the responsiveness of administrators.[205] The earlier faith in the capacity of the "administrative process" gave way to a deep skepticism.

This, in turn, produced two kinds of reaction and reformist thought.[206] One sought to strengthen the political branches of government, with a view toward reasserting control by the people's representatives in the executive and legislative branches over the public service, and with the people exerting an indirect role through the vote. The second focuses on the need for direct citizen participation in and control (in some cases) over administrative processes.

The first response (political participation) has been a basic factor underpinning the more recent efforts to strengthen chief executives in light of the major managerial challenges their respective jurisdictions now face, largely through PPB, ZBB, and reorganizations. This, of course, is merely an extension of the much older campaign to enable popularly elected chief executives to discharge their administrative responsibilities more effectively. Generally speaking, such executives are in a far better position today to assume this role than their predecessors of a generation ago. With the legislative branches, there have come "sunset" legislation, legislative vetos, better staffing of committees (especially the money committees at the state level), more strenuous attempts to guide bureaucratic behavior (i.e., administrative procedures, enactments, ethical codes, "sunshine" laws, etc.), and some increase in oversight activity (provided, of course, their sessions are not constitutionally shackled).

The second response (administrative participation) is based on the view that efforts by elected officials in the executive and legislative branches are inadequate to produce a properly responsive bureaucracy.[207] Some of this criticism rests on a basic distrust of the electoral process and the representative governmental system that it supports. Borrowing from some of contemporary democratic theorists, the point is made that elections cannot produce a clear mandate on all policy and administrative agency questions. There also is a realistic awareness that chief executives and legislators simply lack the time, if not the motivation, to mount a sustained administrative oversight effort. And, there also is the realization that governmental services are so varied, the administrative process is so pervasive, and the number of public servants so numerous at this point—that even with the will and the time, the elected officials could never cope with the countless decisions involved in the day-to-day management of public programs. Finally, some of the criticism is directed at efforts to assign greater authority to chief executives; this, some believe, can be dangerous and as susceptible to abuse as it is to curing administrative unresponsiveness.

For these and other reasons noted in *Chapters 1 and 3*, the thrust from the administrative participation reformers is to achieve a greater and more direct citizen involvement in government and especially in its administrative activities. For some, this is a vital supplementary effort to that of the political branches of the various levels. For others, it is a basic alternative to relying on these branches to achieve greater bureaucratic accountability and responsiveness.[208] In truth, however, the interpretations merge in practice, because it usually requires actions on the part of legislatures and chief executives to establish direct participation rights and opportunities. These include (1) enactment of general procedural acts or ordinances facilitating citizen access to and the accountability of administrators, and (2) the incorporation of specific requirements with particular authorizing statutes (frequently, as we shall see, grant statutes) and ordinances that particular administrative agencies or jurisdictions establish citizen participation programs.[209]

The *Federal Administrative Procedures Act of 1946*, along with subsequent amendments, counterpart state and local enactments in the 50s and 60s, the *Freedom of Information Act (1966)*, and the *National Environmental Policy Act* (1969) stand out as basic examples of governmentwide procedural efforts to expand participation rights and opportunities in administrative decisionmaking. In addition, there are now "sunshine" or open meeting laws in all 50 states, and some—like Montana—enacted a single, comprehensive statute setting forth minimum procedural criteria to which most or all state and local agencies must comply.[210]

To achieve more active administrative response and decisionmaking in specific program areas, legislators have mandated particular citizen involvement requirements in grant and other statutes relating to such areas and these, of course, are a prime focus of this study. Hence, much more will be said of them in subsequent chapters.

CONCLUSION

This chapter has attempted to trace the theory and evolving practice of citizen participation in the American experience. From a liberal perspective, the saga appears as a continuous and increasingly more successful series of efforts to narrow the gap over time between Jeffersonian ideals and their practical application. Thus, the struggles to achieve universal suffrage, democratically viable political parties and nominating procedures, and accountable government institutions and processes are viewed by the liberal interpreter as a persistent and vital commitment to Jeffersonian principles. The faith in the people, the distrust of governmental power (and especially of unrepresentative and nondirectly accountable officials), and the sanguine view of reform through constitutional, statutory, and procedural changes, which permeate the democratization drives of the Jacksonians, Progressives, and recent reformers, all reflect a strongly Jeffersonian outlook. From this vantage point, then, the ever widening opportunities for citizen participation are merely the rational and necessary components of remaining faithful to the tenets of the Declaration, while adapting to the exigencies of an evolving mass, heterogenous, urbanized, service-oriented, and bureaucratized society and system.

To the more pragmatic and conservative readers of this American democratic record (and Jefferson, as well as his arch opponent, Hamilton, possessed both of these traits), a somewhat different interpretation arises. While fully conceding that certain of these democratic reforms produced significant changes, and that most were in harmony with our democratic tradition (and ethic), they raise basic questions about their enactment, effects, and some of their underlying assumptions. Regarding the circumstances that facilitated the enactment of some of these reforms (notably the extension of the vote and achieving the convention and then the primary), they point out that it was as much an "in-group" or an emerging majority faction of a political party that for very selfish reasons launched the drive for democratic innovations, as any vital philosophic commitment. Further, they point out that the practical effects of most of these efforts have rarely lived up to the promises initially held out for them. There are these reasons for this result:

- a failure on the part of the reformers to match their rhetoric with known reality;
- a tendency to idealize the civic awareness and concern of the American citizenry (and to ignore the factors that strengthen or weaken political and civic participation);
- a propensity to diagnose the social, political, and economic shortfalls in the system largely in terms of defects in governmental or political machinery (and not in terms of human frailties or organizational factors);
- an unwillingness to anticipate or take precautions against the questionable side effects of their reforms (i.e., the "long ballot" and the pulverizing of government power at the state and local levels in the drive for a people's government, and the substitution of interest groups for parties in the nominating processes); and
- above all, a blindness to the perennial pattern of elites, factions, and power plays under either "unreformed" or "reformed" political or governmental conditions, which in turn reflect a naivete about the nature of power and of inequality in our (or any) system.

Clearly, there is conflict between these two interpretive readings of America's evolving democratic record. And, many of the differences are reflected in the paradoxes suggested by this record:

- On the one hand, there has been a steady, ever-increasing application of the principle of political equality; while on the other, there has been recurring resentment directed against the failure to achieve a more ideal realization of this principle in practice.
- While political and governmental institutions have become ever more representative (especially in this century and preeminently in the past decade and a half), expressions of distrust of the people's representatives become more shrill and the enactment of constraining devices and mechanisms more numerous.
- Finally, as governments, their processes, and the parties have become more "open" and more accessible, charges of interest-dominated, "establishment"-oriented, and a "closed" system have continued, if not increased.

The points and the counterpoints in these three paradoxes suggest some of the reasons for the differences between the liberal and more conservative assessments of our democratic tradition. If the underlying factors that have combined to produce these paradoxes are probed, even more basic reasons are discovered. Subsumed in these paradoxes, of course, are a series of ambiguities and apparent inconsistencies that have long characterized our political tradition and attitudes.

- For some, as was noted earlier, democracy is a political method, a process for resolving public policy and leadership questions, while for others, it involves a whole approach to social behavior, to group organization, to "politics" in the broadest sense. In fact, both views find concrete expression in our experience.
- Is ours a representative or direct democratic system? In a formal and structural sense, it obviously is the former—geography, numbers, and practical administrative concerns, not to mention our federalist heritage, have seen to that. But, intertwined in this representative system are a series of direct democratic devices and above all a persistent attitude that suggests a continuing skeptism about some, if not many, of the implications of representative government, notably the idea that the people's representatives can be trusted to reflect the people's will.

- The majority rule v. minority rights issue directly relates to the above and also illustrates the ambivalence in our tradition. In theory, we have avoided the choice and favored both. Sometimes, in our political and representational processes and practice, we have succeeded in reconciling the two and even with the waves of democratic reforms neither of these potentially antithetical norms has monopolized the arguments of the propounders. Moreover, even though the thrusts from the direct democratic advocates usually have had a majoritarian overtone to them, the protective-of-minorities features of some of the procedures and institutions within our representative governmental (and political) framework have served as a counterbalance. In the context of current citizen participation efforts, both goals—majoritarian and minoritarian—may be furthered, depending on individual circumstances.

- Above all, perhaps, is America's tendency to link what in Europe would be dichotomized. For us, it has always been liberty and equality, not liberty v. equality. While much of the democratization drive recounted in this chapter has had a heavy egalitarian caste to it, the theme of personal liberty and rights was very much part of it. In terms of public political rhetoric, however, we have not tolerated talk of inequality (a basic byproduct of liberty) since the election of 1800. But in social and even political practice we recognize it, sometimes accept it, sometimes condemn it, and even sometimes call for more of it (i.e., leadership). In a very real sense, strong citizen or voter participation is one essential index of inequality, for there are always those who participate less or not at all, and these citizens are less equal in terms of political and administrative impact than those who are active and especially active and organized.

Thus, there are basic ambiguities in our tradition, attitudes, and practices, and the tension between conflicting concepts has been a vital factor in explaining the paradoxes as well as the dynamics of America's unending democratic experiment. As subsequent chapters will indicate, there is no reason to believe that contemporary citizen participation efforts will be exempt from this pattern of conflicting as well as consensual purposes and practices.

FOOTNOTES

[1] Quoted in A.T. Mason, *Free Government in the Making*, 2nd edit., 1956, New York, NY, Oxford U. Press, pp. 349-50.
[2] A.T. Mason, and R. Leach, *In Quest of Freedom*, Englewood, NJ, Prentice Hall, 1960, p. 217.
[3] Thomas Jefferson, *Notes on Virginia*, in P.L. Ford, ed., *The Works of Thomas Jefferson*, New York, NY, G.P. Putman's Sons, 1905, Vol. 4, p. 64.
[4] Thomas Jefferson, Letter to Samual Kercheval, 13 July 1816, quoted in A. Mason, *op. cit.*, p. 372.
[5] *Ibid.*
[6] *Ibid.*, p. 371.
[7] *Ibid.*, p. 372.
[8] *Ibid.*
[9] A.T. Mason, *op. cit.*, p. 346.
[10] Quoted in *Ibid.*, p. 346.
[11] Carole Pateman, *Participation and Democratic Theory*, Cambridge, England, University of Cambridge Press, 1976, pp. 17-21.
[12] See for example, *Ibid.*, pp. 6, 7, and 16.
[13] *Ibid.*, p. 17.
[14] George Sabine, *A History of Political Theory*, New York, NY, Henry Holt & Co., 1947, pp. 650, 652, and 655.
[15] Quoted in *Ibid.*, p. 651.
[16] Pateman, *op. cit.*, p. 18.
[17] Jeremy Bentham, *An Introduction to The Principles of Morals and Legislation*, New York, NY, The Hafner Library of Classics, 1945, p. 3.
[18] Jeremy Bentham, *A Fragment of Government*, quoted in F.W. Coker, ed., *Readings in Political Philosophy*, New York, NY, Macmillan Co., 1948, p. 703.
[19] Pateman, *op. cit.*, pp. 18-9.
[20] *Ibid.*, pp. 14-20.
[21] J.J. Rousseau, *The Social Contract*, London, England, Oxford University Press, 1948, pp. 186-7 and 211-7.
[22] Pateman, *op. cit.*, p. 23; and Rousseau, *op. cit.*, p. 189.
[23] *Ibid.*, p. 23; and Rousseau, *op. cit.*, pp. 181, 182, 184, 196-9.
[24] Rousseau, *op. cit.*, pp. 185-6.
[25] *Ibid.*
[26] *Ibid.*
[27] *Ibid.*, p. 196.
[28] Pateman, *op. cit.*, p. 23.
[29] Quoted in Pateman, *op. cit.*, p. 28.
[30] J.S. Mill, *Considerations on Representative Government*, New York, NY, Henry Holt & Co., pp. 37-8.
[31] *Ibid.*, pp. 39-40.
[32] *Ibid.*, pp. 65-71.
[33] Pateman, *op. cit.*, p. 29.
[34] Mill, *op. cit.*, p. 286.
[35] *Ibid.*, pp. 287-8.
[36] *Ibid.*, p. 289.
[37] *Ibid.*
[38] *Ibid.*, p. 237.
[39] *Ibid.*, pp. 244-5.
[40] *Ibid.*
[41] *Ibid.*, p. 245.
[42] *Ibid.*, p. 246.
[43] *Ibid.*, pp. 246, 257.
[44] *Ibid.*, p. 171.
[45] *Ibid.*, p. 172.
[46] Pateman, *op. cit.*
[47] Pateman, *op. cit.*, pp. 1-21, 45-66; and Richard Cole, *op. cit.*, pp. 2-7.
[48] W. Lippmann, *Public Opinion*, New York, NY, Free Press, 1922 (1965 ed.).
[49] *Ibid.*, p. 125.
[50] *Ibid.*, p. 158.
[51] *Ibid.*
[52] *Ibid.*, pp. 163, 165.
[53] *Ibid.*, p. 164.
[54] *Ibid.*, pp. 165-6.
[55] *Ibid.*, p. 173.
[56] *Ibid.*, p. 251.
[57] *Ibid.*
[58] *Ibid.*, p. 146.
[59] *Ibid.*, p. 255.
[60] *Ibid.*, p. 256.
[61] *Ibid.*, p. 261.
[62] Joseph Schumpeter, *Capitalism, Socialism and Democracy*, New York, NY, Harper Torchbooks (3rd ed.), 1963, p. 269.
[63] *Ibid.*
[64] *Ibid.*, pp. 270-3.
[65] *Ibid.*, p. 273.
[66] *Ibid.*, p. 253.
[67] *Ibid.*, p. 263.
[68] *Ibid.*
[69] *Ibid.*, p. 250.
[70] Pateman, *op. cit.*, pp. 18-20.
[71] Schumpeter, *op. cit.*, pp. 289-92.
[72] *Ibid.*, p. 295.
[73] *Ibid.*
[74] B.R. Berelson, P.F. Lazarsfeld, W.N. McPhee, *Voting*, Chicago, IL, University of Chicago Press, 1956, p. 307.
[75] *Ibid.*, pp. 312-3.
[76] *Ibid.*, p. 312.
[77] *Ibid.*, p. 313.
[78] *Ibid.*, p. 314.
[79] Pateman, *op. cit.*, p. 7.
[80] R. Dahl, *A Preface to Democratic Theory*, Chicago, IL, University of Chicago Press, 1956, p. 64.
[81] *Ibid.*, pp. 67-81.
[82] *Ibid.*, p. 131.
[83] *Ibid.*, p. 132.
[84] *Ibid.*
[85] *Ibid.*, p. 76.
[86] *Ibid.*, pp. 145-66; and Pateman, *op. cit.*, p. 9.
[87] Louis Hartz, "Democracy: Image and Reality," *Democracy in the Mid-Twentieth Century*, W. Chambers and R. Salisbury, eds., St. Louis, MO, Washington University Press, 1960, p. 14.
[88] *Ibid.*, p. 15.
[89] *Ibid.*, p. 22.
[90] *Ibid.*, pp. 19-20.
[91] *Ibid.*, p. 27.
[92] S.M. Lipset, *Political Man*, New York, NY, Doubleday & Co., 1960, p. 44.
[93] *Ibid.*
[94] *Ibid.*, pp. 45-6.
[95] *Ibid.*, p. 46.
[96] *Ibid.*, pp. 48-67.

[97] *Ibid.*, p. 83.

[98] *Ibid.*, pp. 216-9.

[99] *Ibid.*, p. 219.

[100] Pateman, op. cit., p. 11.

[101] H. Eckstein, "A Theory of Stable Democracy," App. B. of *Division and Cohesion in Democracy*, Princeton, NJ, Princeton University Press, 1966, p. 234.

[102] *Ibid.*, p. 225.

[103] *Ibid.*, pp. 237-8.

[104] Pateman, *op. cit.*, pp. 12-3.

[105] Eckstein, *op. cit.*, pp. 262-7.

[106] Pateman, op. cit., p. 14.

[107] *Ibid.*, pp. 13-4, presents a good presentation of the argument that such a theory is a reasonable derivation from their writings.

[108] Pateman, *op. cit.*, p. 15.

[109] Walker, *op. cit.*, p. 289.

[110] *Ibid.*, pp. 288-9.

[111] *Ibid.*, p. 288.

[112] Peter Bachrach, *The Theory of Democratic Elitism, A Critique*, Boston, MA, Little Brown & Co., 1967, p. 3.

[113] Walker, *op. cit.*, p. 289.

[114] *Ibid.*

[115] Compare, for example, Walker, *op. cit.*, pp. 289-95 with Bachrach, *op. cit.*, pp. 98-106.

[116] Walker, *op. cit.*, p. 295.

[117] *Ibid.*

[118] *Ibid.*

[119] Bachrach, *op. cit.*, p. 99.

[120] *Ibid.*, p. 100.

[121] *Ibid.*, p. 101.

[122] *Ibid.*, p. 102.

[123] *Ibid.*, p. 106.

[124] Cole, op. cit., p. 2.

[125] *Ibid.*

[126] Robert Nisbet, *Quest for Community*, Oxford, England, Oxford University Press, 1962; William Kornhauser, *The Politics of Mass Society*, Glencoe, IL, The Free Press, 1959; Erich Fromm, *Escape From Freedom*, New York, NY, Avon, 1971; Maurice Stein, *The Eclipse of Community*, Princeton, NJ, Princeton University Press, 1960; Peter L. Berger, "Mediating Structures," *Commonsense*, Vol. 1, No. 1, Summer, 1978.

[127] Cole, op. cit., p. 2.

[128] Stein, *op. cit.*, p. 280-96.

[129] Kornhauser, *op. cit.*, p. 77 and Stein, *op. cit.*, p. 329.

[130] Cole, *op. cit.*, p. 2.

[131] Korhouser, *op. cit.*, p. 77 and Berger, *op. cit.*, pp. 1-9.

[132] Cole, *op. cit.*, p. 3.

[133] Bachrach, *op. cit.*; Walker, *op. cit.*; Henry Kariel, *Decline in American Pluralism*, Stanford, CA, Stanford University Press, 1961; T.B. Bottomore, *Classes in Modern Society*, New York, NY, Random, 1968.

[134] Pateman, *op. cit.*, p. 42.

[135] V.O. Key, Jr., *Politics, Parties, and Pressure Groups*, 4th ed. New York, NY, Thomas Y. Crowell & Co., 1962, p. 646.

[136] *Ibid.*, p. 647.

[137] *Ibid.*

[138] By 1830, it should be noted that less than 3,000 out of a total northern black population were enfranchised.

[139] Gordon S. Wood, "Resolution and the Political Integration of the Enslaved and Disenfranchised," *American Enterprise Institute's Distinguished Lecture Series*, Washington, DC, American Enterprise Institute, 1976, p. 15.

[140] Key, op. cit., p. 651.

[141] This device permitted the registration of voters whose ancestors could vote prior to the passage of the 15th amendment.

[142] *Smith v. Allwright*, U.S. 649, (1944).

[143] Key, *op. cit.*, p. 661.

[144] *Oregon v. Mitchell*, 400 U.S. 112 (1970).

[145] In the 1976 national elections, for example, over 40% of the potential electorate did not vote and over four-fifths of these were not registered. Twenty-three percent of these persons cited inability to register or foreign citizenship as explanations for nonregistration, but over half provided other explanations. See *Statistical Abstract of the U.S.*, Washington, DC, U.S. Government Printing Office, 1977, p. 509.

[146] Frank Sorauf, *Party Politics in America*, Boston, MA, Little Brown & Co., 1972, p. 193.

[147] V.O. Key, *op. cit.*, p. 670.

[148] *Historical Statistics of the U.S., Colonial Times to 1976*, Part 2, Washington, DC, U.S. Department of Commerce, Bureau of the Census, p. 1072.

[149] Key, *op. cit.*, p. 661, and Sam Lubell, *The Future of American Politics*, New York, NY, Doubleday & Co., 1956, p. 42.

[150] *Statistical Abstract of the U.S., 1977, op. cit.*, p. 508.

[151] See, for example, *Statistical Abstract of the U.S., op. cit.*

[152] Sorauf, *op. cit.*, p. 196 and L.W. Milbrath, *Political Participation*, Chicago, IL, Rand McNally, 1965.

[153] Sorauf, *op. cit.*, pp. 196-7; A. Campbell, et. al., *The American Voter*, New York, NY, Wiley, 1960, pp. 96-110.

[154] Nie, et. al., *op. cit.*, especially pp. 345-56.

[155] *Ibid.*, pp. 347-8.

[156] *Statistical Abstract of the U.S., op. cit.*, p. 508.

[157] Sorauf, *op. cit.*, p. 200.

[158] G.S. Wood, *op. cit.*, p. 16.

[159] E.E. Schattschneider, *Party Government*, Westport, CT, Greenwood Press, Inc., 1977, p. 1.

[160] Austin Ranney, *Curing the Mischiefs of Faction: Party Reform in America*, Berkeley, CA, University of California Press, 1975, p. 14.

[161] Key, *op. cit.*, p. 373.

[162] Ranney, *op. cit.*, p. 29.

[163] *Ibid.*

[164] Charles E. Merriam, *Primary Elections*, Chicago, IL, University of Chicago Press, 1908, pp. 9-62.

[165] Ranney, *op. cit.*, p. 18.

[166] Key, *op. cit.*, p. 375.

[167] *Ibid.*, pp. 375-6.

[168] Ranney, *op. cit.*, p. 123.

[169] *Ibid.*, p. 124.

[170] *Ibid.*, p. 127.

[171] *Ibid.*, p. 129.

[172] *Ibid.*, pp. 19-21.

[173] *Ibid.*, pp. 1-2.

[174] Quoted in *Ibid.*, p. 2.

[175] Quoted in *Ibid.*, p. 103.

[176] A.H. Kelly, and W.A. Harbison, *op. cit.*, pp. 318-9.

[177] W.B. Munro, *Municipal Government and Administration*, New York, NY, Macmillan Co., 1923, p. 94.

[178] *Ibid.*, p. 95.

[179] John M. Mathews, *American State Government*, New York, NY, D. Appleton Co., 1927, p. 76.

[180] *Ibid.*

[181] A.H. Kelly and W.A. Harbison, *op. cit.*, p. 323.

[182] Mathews, *op. cit.*, p. 432.

[183] Drawing on Roman constitutional history under the republic, the Jacksonians tended to view the executive as a popularly chosen magistrate who, with the veto, would and should protect the people's interests.

[184] By 1911, three-fourths of the states used this system. See J.W. Fessler, ed., *The 50 States and Their Local Governments*, New York, NY, Alfred A. Knopf Inc., 1967, pp. 74-5.

[185] Kelly and Harbison, *op. cit.*, p. 621.

[186] Fessler, *op. cit.*, p. 75.

[187] *Ibid.*

[188] Munro, *op. cit.*, pp. 126-7; 14 now authorize recall for state

level officials.

[189] Mathews, *op. cit.*, p. 146.

[190] Kelly and Harbison, *op. cit.*, p. 631.

[191] *Ibid.*

[192] Mathews, *op. cit.*, p. 126.

[193] *Ibid.*, pp. 122-3.

[194] *Ibid.*, pp. 125-6.

[195] *Ibid.*, p. 126.

[196] Fessler, *op. cit.*, p. 80.

[197] *Ibid.*, p. 81.

[198] Richard Hofstadter, *The Age of Reform*, New York, NY, Vintage Books, 1955, especially pp. 257-71.

[199] *Ibid.*, pp. 266-7.

[200] *Ibid.*, p. 266.

[201] Herbert Croly, *Progressive Democracy*, New York, NY, MacMillan, 1914, p. 306.

[202] *National Civic Review*, Sept. 1978, Vol. 67, No. 8, New York, NY, National Municipal League, p. 353.

[203] Nelson Rosenbaum, *Citizen Involvement in Land Use Governance*, Washington, DC, The Urban Institute, 1976, p. 9.

[204] Fessler, *op. cit.*, p. 99.

[205] Rosenbaum, *op. cit.*, pp. 10-1.

[206] *Ibid.*, pp. 11-4.

[207] *Ibid.*, p. 13.

[208] *Ibid.*, pp. 13-4.

[209] *Ibid.*, p. 14; and ACIR, *State Actions in 1976*, M-109, Washington, DC, U.S. Government Printing Office, February 1977, pp. 61-3.

[210] *Ibid.*, p. 15; also see *Chapter 4* of this report.

Chapter 3

An Overview of Contemporary Citizen Participation

The purposes and forms of citizen participation in contemporary America are very diverse. The number of different purposes and forms is large, and they are combined in many different ways in actual practice. Furthermore, the various levels and branches of government use citizen participation differently, as do the different sectors of the citizenry, and even within a single level or branch of government there is great variation in the use of these practices.

This chapter briefly overviews (a) the diversity among the purposes and forms of citizen participation and how these purposes and forms relate to each other, and (b) ways in which citizen participation is being used, in general, at the various levels of government. These overviews have been synthesized by the ACIR staff from a wide variety of published sources[1] and some actual experience. However, they are necessarily generalized, reflecting average tendencies rather than the full range of variations which occur in actual practice.

This chapter is based upon a series of tables constructed to illustrate the relationships among the various parts of the concept of citizen participation. These tables were developed by the Commission's staff, based upon the extensive reviews of literature (cited above) and actual experience in the field. Yet, they inevitably incorporate some subjective assessments. Hence, they are tentative and are used illustratively, rather than definitively. Perhaps these tables, and their interpretation in this report, will suggest fruitful hypotheses for further research by others.

THE DIVERSE FORMS AND PURPOSES OF CONTEMPORARY CITIZEN PARTICIPATION

The diversities in forms and purposes of citizen participation go hand in hand. Different forms serve different purposes, and different participants have different purposes. Hence, the various forms, techniques, or methods of citizen participation have arisen.

General Purposes of Citizen Participation

Generalizing, first, about the purposes of citizen participation, one might observe that citizen participation is a two-way street. Its ultimate objective from the citizen point of view is to change governmental behavior so that governmental units respond better to citizens' needs and desires and refrain from the arbitrary, capricious, insensitive, or oppressive exercise of power. On the other side, governments use citizen participation to help change citizen behavior by (a) providing therapy to alienated and socially disturbed citizens, (b) affording participation opportunities for citizens through which they can exercise and enhance their vigilance over government, and (c) helping citizens to develop their participative and leadership capabilities. Taken together, these ultimate objectives of participation are geared to producing both better citizens and better governments. And they are inextricably intertwined—better citizens make better governments while better governments make better citizens. The same citizen participation processes which provide opportunities for citizens to sharpen their skills by exercising them also provide the means by which the government's performance is improved and its operations are kept open.

The twin goals of better citizens and better governments come to be reflected in a long series of more specific objectives or purposes of citizen participation. These, in turn, generate a wide variety of traditional and innovative forms, techniques, and means by which citizen participation is carried out. One well known and quite complete catalog of citizen participation techniques contains 37 entries, ranging from the familiar public hearings to the relatively unfamiliar Delphi technique.[2] Many of the items in this catalog were developed during the 1960s and 1970s to help improve the effectiveness of citizen participation, in a number of different fields of governmental activity, in reaction to the deadening effects of mass society, a faceless bureaucracy, and ever increasing governmental programs.

As citizen participation serves different purposes in the hands of different participants, variations in forms and methods arise from the fact that citizens participate in government both as individuals and as members of groups. In addition, some of the various forms, techniques, and means of citizen participation are more appropriate for use at different stages of governmental activities, are more suitable for use by certain individuals or groups than by others, and have been used more often in certain governmental programs than in others.

Numerous studies suggest that the sporadic use of one or two types of participation is not nearly as effective as a more varied set of methods linked together into a continuous participation process spanning the governmental activity from beginning to end.[3] Such a process ensures that participation will occur at times when it can make a difference, and the combination of methods balances the disadvantages of each with the advantages of the others.

The citizen participation strategist, then, is faced with the task of developing a suitable participation process consisting of several different forms, techniques, and means of participation. In doing so, the strategist needs to be aware of the political acceptability, feasibility, and potential productivity of each type of participation.

The first part of this chapter, then, examines each of these aspects of citizen participation. It begins with (1) the diversity of specific purposes and forms of citizen participation; and then considers (2) the stages of governmental activities in which different forms of citizen participation are most appropriate; (3) the use of various citizen participation forms, techniques, and means in different governmental programs; (4) some of the ways in which participation methods have been linked together into broader and more effective citizen participation processes; and (5) the features of various citizen participation forms, techniques, and means which should be considered in developing effective citizen participation processes.

The Diversity of Specific Purposes of Citizen Participation

As noted earlier, the ultimate twin goals (or general purposes) of citizen participation—to change the behavior of both governments and people—translate into several much more specific and limited objectives. An extensive literature search suggests that these more finely articulated objectives include (1) giving information to citizens; (2) getting information from and about citizens; (3) improving public decisions, programs, projects, and services; (4) enhancing acceptance of public decisions, programs, projects, and services; (5) supplementing public agency work through volunteerism; (6) altering political power patterns and the allocations of public resources; (7) protecting individual and minority group rights and interests; and (8) delaying or avoiding the making of difficult public decisions.[4]

These specific objectives often are neither mutually exclusive nor separately achieved in practice. For example, many forms of citizen participation both give information to citizens and get information from and about them. In fact, the key element in many of the techniques used to improve citizen participation often is a means of enhancing interactions between the government and its citizens through fuller two-way communications. This leads to resolving issues and thereby to improving public decisions and enhancing their acceptance.

On the other hand, some of the specific purposes of citizen participation may be pursued separately, and they need not necessarily always involve two-way communications. In fact, much "participation" clearly does not involve direct interaction. For example, a citizen who receives information from or about government, decides that it does not affect him/her or that its effect is satisfactory, and then decides not to comment, is automatically counted as a nonparticipant and added to the statistics of citizen apathy. Actually, such people are "involved" through implied (and often very well informed) consent, and may emerge as activists at any time they see a clear need to protect their own interests. Thus, an undetermined number of "silent participants" are important to the process despite their "one-way" mode of participation on many (or even most) occasions.

The eight specific objectives listed above often are expressed in even greater detail,[5] as listed below in a rough checklist of citizen participation purposes.

Specific Objectives
(not necessarily mutually exclusive, separately achieved, or sought by all participants)

1. Give information to citizens.
    - **a.** Disseminate information.
    - **b.** Inform and educate the public.
    - **c.** Answer citizen questions.
    - **d.** Notify citizens of actions affecting them and opportunities for participation.
2. Get information from and about citizens.
    - **a.** Identify affected groups, subcultures, program clients, and various sectors of the "market" for public services.
    - **b.** Identify problems, attitudes, and objective characteristics of citizens.
    - **c.** Gauge citizen attitudes toward government.
    - **d.** Generate new ideas and alternatives for public action.
3. Improve public decisions, programs, projects, and services.
    - **a.** Use information from and about citizens (see #2 above).
    - **b.** Get and use advice from citizens about:
        - **1)** proposed plans and programs;
        - **2)** policy reviews and program evaluations; and
        - **3)** priorities.
    - **c.** Enhance program coordination by:
        - **1)** counter-balancing special interests with the general public interest; and
        - **2)** promoting interaction among various interests to resolve conflicts.
    - **d.** Enhance services to individuals by:
        - **1)** establishing and using ombudsmen, consumer advocates, etc.;
        - **2)** providing "case work" services through offices of elected officials;
        - **3)** mounting administrative appeals; and
        - **4)** going to court.
4. Enhance acceptance of public decisions, programs, projects, and services.
    - **a.** Get citizen endorsements of decisions, programs, projects, and services.
    - **b.** Build constituency for programs.
    - **c.** Minimize opposition by providing full information (see #1 above) and reasons for public actions.
    - **d.** Resolve issues (see #3-c above).
    - **e.** Employ indigenous citizens in public programs.
5. Supplement public agency work.
    - **a.** Accept citizen volunteers on the staff.
    - **b.** Accept and use citizen-prepared reports or information.
    - **c.** Share policymaking roles with citizens.
    - **d.** Share report preparation activities with citizens.
    - **e.** Encourage voluntary compliance by citizens with governmental rules, regulations, incentives, and initiatives.
    - **f.** Encourage complementary citizen action in the private sector.
6. Alter political power patterns and resource allocations.
    - **a.** Centralize or decentralize programs.
    - **b.** Establish citizen control.
    - **c.** Oppose the government.
    - **d.** Change the government through the political process.

7. Protect individual and minority group rights and interests.
    a. Go to court.
    b. Mount administrative appeals.
    c. Stage protests, demonstrations, strikes, pickets, etc.
    d. Establish and use ombudsmen, consumer advocates, etc.
    e. Provide "case work" services through offices of elected officials.

8. Delay or avoid making difficult public decisions.
    a. Call for further studies.
    b. Go to court.
    c. Mount administrative appeals.
    d. Stage protests, demonstrations, strikes, pickets, etc.

Diverse Purposes of Citizen Participation Pursued by Diverse Interests

No single individual or group necessarily seeks to pursue all of the specific purposes of citizen participation outlined above—at least not at the same time. Yet, all of these purposes are reflected in currently used forms of citizen participation (*Table 3-1*, appearing later in this chapter) and, as will be illustrated later in other tables, these purposes tend to be emphasized or played-down to differing degrees by different interests (*Table 3-2*). Even the same individuals or groups view some of the purposes differently at different times (*Table 3-4*).

Without going into these tables at this point, however, it simply should be noted that, in general, the first two purposes (giving information to citizens and getting information from and about citizens) are fairly universally accepted. Without this exchange of information there can be little or no basis for working toward the general purposes of citizen participation—which are, as noted earlier, to help change the behavior of (1) citizens and (2) governments to the mutual benefit of both. But, the trouble is that the changes needed and the mutual benefits sought frequently are seen differently from the two sides. Thus, the remaining six purposes are used less universally, and this is where the differences emerge.

The three purposes of improving public decisions, enhancing their acceptance, and supplementing public agency work are the approaches most used and most favored by what might be termed "the establishment," while the three purposes of altering present power and funding patterns, protecting individual and minority group interests, and stopping or delaying public action are those most used and most favored by the "antiestablishment." In a sense, it is the "ins" against the "outs," or perhaps the "majority" against the "minority." Those who have enough confidence in, and satisfaction with, their government to work constructively and cooperatively with it "within the system" make fullest use of the "establishment" set of purposes, while those without such confidence and satisfaction tend more toward confrontation and the "antiestablishment" set. While government officials (who, of course, are in power) tend to emphasize the "establishment" purposes, the Constitution and related laws guarantee that citizens shall have access to the "antiestablishment" ones within the reasonable bounds of respecting others' rights.

Diverse Forms of Citizen Participation

As referred to here, the forms of citizen participation are the organizations, activities, and events through which citizens have contact with government for purposes of influencing governmental and citizen behavior. These forms are differentiated from specific techniques of interaction which might be applied in various settings (mostly meetings of one sort or another), and from certain means of facilitating the success of contacts between citizens and governments (including training, staffing, and assisting the participants with whatever forms or techniques they may be using). More will be said about the special techniques and means of facilitation later. At this point, the focus is on forms of citizen participation.

The forms of citizen participation may be classified into three basic types: (1) organizations developed for the purpose of group participation, (2) participation activities for individuals, and (3) means or processes of information exchange.

The forms of information exchange are most numerous. So it is convenient to subdivide them into those most related to the dissemination of information and those more usually identified with the collection of information. Often, organizations and individuals both take advantage of these information forms, and there is some overlap between the forms of information dissemination and collection. To the extent that citizen participation becomes a dynamic process of interaction between citizens and governments, the information forms link up into two-way exchange processes.

In these information exchange processes, special attention also needs to be given to the effectiveness of communication. Perhaps the most pressing need is to ensure that language which can be understood by laymen is used throughout the process. Another concern is to make sure that a multilingual approach is used in areas where significant numbers of participants use different languages. Special efforts also may be needed to reach the deaf and blind through their own language media, and to accommodate other participation difficulties of the handicapped and disadvantaged. Such special concerns may call for adaptations in one or more of the forms of information exchange discussed here, depending upon particular situations.

INFORMATION DISSEMINATION

The major forms of information dissemination are:

1) open government,
2) meetings and speaker bureaus,
3) conferences,
4) publications,
5) mass media,
6) displays and exhibits,
7) direct mailings,
8) advertising and public notices,
9) hot lines,
10) drop-in centers,
11) correspondence, and
12) word of mouth.

While these are largely self explanatory, it is worth commenting on several of them at this point.

"Open government" simply means that public business is conducted in public view. "Sunshine" and freedom of information laws passed in recent years have contributed substantially to the visibility of public actions. Private meetings of officials in "smoke filled rooms" and rump sessions are becoming less important as the real policy debates take place in public meetings, and as government records are opened increasingly to public view (within reasonable limitations designed to protect the privacy of individuals about whom public records are kept). This openness allows the press, interested individuals, and others to see and hear what is going on in government, and to take the initiative to publicize, comment upon, and influence governmental activities. Without this element, much of the rest of information dissemination may become subject to the criticism that it is "managed news."

Informational meetings may be largely a form of one-way communication from the government to the people, or they may be combined with two-way communication objectives. Information meetings may be initiated by the government or requested by outside groups and individuals. Speaker bureaus established within government agencies can greatly facilitate the governmental response to requests for information meetings. Frequently, speakers available from such bureaus are backed up with displays, slide presentations, documentary films, videotapes, exhibits, publications, and other means of helping to improve the effectiveness of their appearances. Information meetings may be large or small, and reported by the mass media or not. Even when designed primarily as an information dissemination event, they may draw responses. Any such citizen feedback (which may come from the audience spontaneously or in response to press coverage) provides an opportunity for information collection and governmental response.

Conferences, like meetings, may be large or small, reported by the press or not, and largely designed for information dissemination or for two-way information exchange. The main difference between meetings and conferences is that conferences are longer, less superficial, and better prepared. They may differ in length from one day to several days, but in any case they will address one or more topics in considerable depth. They may make greater use of publications, visual aids, and experts in the subject matter of the conference. The proceedings of conferences frequently are published or formally reported upon in some way, and when two-way communications are a major feature of the conference, the record of the conference probably will include the "results" of deliberations.

Publications may be long or short, technical or simple, expensive or inexpensive, produced in large or small quantities, and made available on limited or mass market bases. Combinations also are possible, such as expensive technical documents made available on a limited basis, while inexpensive popular versions are distributed widely. Copies may be given away at meetings, schools, libraries, and other commonly frequented locations, or through mass mailings. They also may be mailed individually to those requesting them, or sold through public offices. Reference copies may be deposited at various public offices or libraries.

The mass media may be used in many different ways. The media may simply be allowed to report on governmental activities, or the government may make special efforts to initiate coverage by the press and to work with the press in improving the completeness, depth, and timeliness of reporting. Special feature stories may be developed in this manner, including newspaper and magazine articles, and interviews or special programs on radio and television. Spot announcements, talk show appearances, regular news coverage, and other uses of the media frequently may be arranged free of charge under the public service requirements of federal radio and television licenses. Much has been written about effective use of the media which will not be repeated here. However, it is important to indicate that the full potential of the press in disseminating information concerning governmental affairs cannot be realized without the active participation of governmental officials and agencies.

Displays and exhibits may stand on their own as effective information dissemination forms, apart from their use in meetings and conferences. They may be located in public buildings, shopping malls, and other places where large numbers of people are likely to see them.

Direct mailings, paid advertising, and legal notices may supplement each other or be viewed as alternatives. Generally speaking, legal notices are the least effective in reaching people. They are generally small and lost among many similar notices. Advertising is much more prominently displayed and may be used for a much wider variety of purposes, ranging well beyond the satisfaction of minimum legal requirements. Direct mailings may be even more effective if well designed, since they may be targeted directly to individuals or groups affected by governmental programs and actions, or to all people living in an affected neighborhood, community, or governmental jurisdiction. Mass mailings of inexpensive popular versions of governmental proposals, plans, and reports are becoming commonly used in modern citizen participation processes. Sometimes they may be combined with the mailing of tax or utility bills, or inserted into newspapers.

Hotlines and drop-in centers are also becoming more popular. Hotlines are simply telephone lines which are open long hours, or perhaps around the clock, to either present a recorded message and record incoming requests for further information, or to provide access to a knowledgeable person in the government with whom the caller may consult for help, advice, or information about governmental activities and programs. Drop-in centers provide a similar service on a face-to-face basis at a location convenient to citizens. Drop-in centers may be provided uniformly throughout a community on a decentralized basis for general informational purposes, or as a special service in particular areas where governmental programs or activities are having special effects on people who require unusual efforts by the government to provide points of contact.

Correspondence and word of mouth are such basic techniques of communication that they are often forgotten in the citizen participation process. They arise from the simple right of the people to petition and write to their governmental officials and to engage in free speech about their government even to the point of spreading rumors. However, special attention to these two opportunities for information dissemination can pay off. Courteous and responsive replies to correspondence can supply much needed information to both individuals and groups, and frequently will supply the substance for word of mouth communications throughout a community. With some deliberate effort, word of mouth communications networks may be developed through political, civic, and neighborhood groups. Such means of communication may be most important in communities with language barriers or low educational levels, where the printed word, media coverage, and meeting attendance do not reach effectively.

INFORMATION COLLECTION

Information collection methods include: hearings, workshops, meetings and conferences, consultation, government records, analyses of nongovernmental documents and sources, participant observers, and surveys. Most of these are largely self-explanatory, though some elaboration may be helpful.

Public hearings are probably the most common means of citizen participation used by governments. They are a traditional part of the legislative process, and are becoming increasingly prominent in administrative processes. Typically used just prior to the passage of a law or ordinance, or the making of an administrative decision, they also are being used now increasingly at earlier stages in public policymaking processes. Nevertheless, the legal requirements surrounding them and the rigidity of their formal structures subject them to much criticism because of the lack of opportunity for effective interaction between citizens and governmental officials.

Workshops and meetings are less formal than hearings, and they provide better opportunities for interaction. Workshops and meetings designed to collect information are more like the conferences described above, but they are provided with specific means to elicit information from citizens in a setting which provides background information and assistance to citizens to help them express their views in relevant ways. It is in this type of setting, very often, where the special techniques of facilitating interaction can be introduced most fruitfully. Such techniques include the use of:

1. Arbitration and mediation.
2. Staff facilitators operating as coordinators and catalysts in the interchange of ideas among different groups.
3. A "plural planning" process in which alternative plans are developed to represent the ideal solutions to problems as seen from differing viewpoints, thereby setting the stage for seeking compromise positions which satisfy as many different views as possible. "Advocacy planning" also may be used as part of this process, supplying one or more groups of citizens with their own planning advisors to help them "speak the language" of government effectively as they advocate their own views. This is much like having legal counsel in judicial proceedings.
4. Processes of group dynamics in which brainstorming, role playing, feedback of various types, and psycho-social techniques of enhancing group productivity are used by skilled leaders.
5. Focused group discussions in which people are interviewed in groups rather than individually, and their interactions are used to clarify issues and develop new insights at a deeper level than would emerge from individual interviews. Focused group discussions may use group dynamics techniques, but they are more directly task oriented to a particular problem already identified before the discussion takes place, and the need to probe certain aspects of this problem more thoroughly in a relatively well structured way.
6. Policy capturing processes in which the values of participants on a variety of interrelated issues are weighted and traded off against each other in an effort to measure the quantitative relationships among a variety of policy options within the populations represented by participants.
7. The policy Delphi process in which a group of respondents is polled about some issue successively over a period of time during which the respondents are supplied with feedback from the whole group between each polling. The object is to systematically develop and express the consensus views of the group.
8. Priority setting exercises in which advisory groups and policy bodies rank or rate competing public projects or program levels until a consensus is reached regarding their relative priorities for public spending.
9. A design-in wherein self-selected citizens come together for intensive work sessions in which they are supplied with staff assistance and materials to enable them to "think out loud" about community issues posed by officials or by citizens themselves, and to express their thoughts visually and physically through maps, drawings, and models. During the process, the citizens may be given briefings, and may make field trips to familiarize themselves with actual

conditions. The results are well articulated citizen perceptions of community problems and potential solutions which may be considered by government officials.

10. "Game" simulations can be used in the interactive process, either with or without the assistance of computers, to help participants see the likely outcomes of policy options in relation to one another before they are decided upon. This is a type of simplified and foreshortened series of comparative impact analyses which gives policy advisers and decisionmakers better "feel" for the effects of their actions, though it does not take the place of fully developed impact analyses.
11. A series of technological innovations using computers, television, and telephone lines can be used to speed up these interactive processes and to span distances between participants who cannot conveniently be assembled in one place. Such techniques include interactive cable television, teleconferencing by computers, real time computer polling with feedback, interactive computer graphics, and game simulations.

As the listing of these techniques shows, there are many means at hand for enhancing the interaction between citizens and governments in workshops and meetings, as well as in unassembled groups. Such workshops and meetings may be open to all who wish to come, or they may be limited to those on an invitation list designed to be representative of specific interests or types of expertise. These same means also may be applied in meetings of official governing bodies or advisory committees, commissions, or task forces. Obviously, they also may be used with various citizens groups, special interest groups, and program clientele groups.

Consultation may be used as a means of gathering information in several ways. An open door policy by governmental officials and resulting face-to-face consultations with average citizens, program clients, and community leaders or other influential persons constitute traditional means of consultation. More recently, however, more systematic means of consultation have been used increasingly. These rely upon published notice of governmental proposals and draft documents, often including proposed community plans, draft legislation, proposed ordinances, and draft administrative regulations. The publication of these documents is accompanied by an invitation for interested parties to submit written comments and recommendations. Sometimes public hearings also are provided so that comments may be offered verbally as well as in writing, but other times written responses alone are accepted. This notice-and-written-response procedure typically is accompanied by later publication of the final action along with an analysis of comments received and explanations of their disposition.

Government records and case files contain a great deal of information about program operations and other public policy issues. In addition, nongovernmental sources of information (such as research reports, news sources, newsletters of special interest groups, and so on) frequently contain invaluable information about the views of various segments of the public. Analysis of these public records and nongovernmental sources can help significantly to augment governmental understanding of public issues as they affect "clients" and others. The technical field of content analysis may be applied with great benefit to some of these sources—particularly those sources emanating from the news media.

Participant observers are trained cultural anthropologists who can mix with a particular segment of the population, be accepted into the group, and learn what makes the group respond as it does to its environment and to the governmental programs and services with which the group comes in contact. This affords a much deeper understanding of the dynamic relationship between the government and the people served than almost any other method, and it is particularly useful where the segment of population being studied is different enough from the predominant culture of the community that such differences could make governmental policies and programs unworkable if they are not taken into consideration.[6]

Finally, there is the survey technique. Used very seldom in governmental decisionmaking processes until after World War II, surveys now have become very common elements at all levels of government. There are many types of surveys, ranging from the opinion polling which has become a household word in election campaigns, to mailed questionnaires of considerable length and depth, to individual interviews, group interviews, and even highly sophisticated issue balloting based upon mass media educational efforts which may (in some cases) be linked to the balloting through computer terminals and telephone lines. The purposes of surveys are to collect information in an unbiased way from a full cross section of the population, or a segment thereof chosen in advance, and to do so in a timely fashion and inexpensively so that additional reliable and relevant information can be given to decisionmakers before they must decide a related public policy issue. While amateurs frequently dabble in surveys, this is a highly technical field in which statistical sampling, professional wording of questions, and careful administration are essential to the validity of the results.

ORGANIZATIONAL FORMS OF PARTICIPATION

Alexis deTocqueville's observation almost 150 years ago that Americans band together in voluntary associations with unusual frequency is as true today as when he made it. Almost every imaginable type of voluntary association exists in the U.S. today. Some are established totally without governmental initiative, while others are created or sponsored by government. Described below are some major types of citizen organizations involved in governmental activities.

First is a group of citizen organizations which might be termed "indigenous." These are based upon area of residence, and within that jurisdiction the citizens' interests are general purpose. These groups may be rather broadbased civic associations or federations of civic associations with fairly large geographic jurisdiction, encompassing perhaps as much as a whole city or county. Then, there may be neighborhood associations with much more restricted geographic boundaries. These may encompass only the subdivision built by a single contractor or the service area of a single elementary school. In areas undergoing cultural change or physical decline, or facing some other visible problem (like rising crime or declining schools), more militant citizen action councils and block groups may form. At the smallest end of the spectrum is the tenant association which may be limited to a single apartment building or project.

Despite differences in size, all of these "indigenous" citizen organizations spring from a geographic residence basis of membership, and are general purpose in nature. They are distinguished from one another, in addition to size, chiefly by the types of problems they face within their geographic bounds and the resulting intensity or militancy of their public action programs. Typically, they deal with issues such as zoning changes, new development, traffic conditions, crime, public facilities and services in their areas, physical deterioration, vandalism, and changes in population or economic status.

Next are the special interest groups. In the citizen participation context, they are of two types: one based upon a special interest not necessarily connected with a particular governmental program, and the other type consisting of the clientele of particular governmental programs. The first type of special interest group is not tied at all to the residential location of its members—though such groups may have state and local chapters in addition to a national structure—and neither is the second group except when implementation of the program happens to concentrate on a particular local area. Examples of the first type of special interest groups are: chambers of commerce, unions, churches, professional societies, environmental protection and consumer organizations, taxpayer associations, associations representing particular industries, citizen planning associations, associations of the various types of state and local governments (often seen at the federal level as essentially equivalent to nongovernmental interests), and many others. Examples of the more particular public program clientele associations are parent/teacher/student associations (PTSAs), farm bureaus, public housing tenant associations, highway user groups, welfare rights groups, veterans associations, and so on almost endlessly.

Finally, there are the several types of official citizens committees, commissions, and councils established within the governmental framework. Some are purely advisory, while others have limited governmental powers. Some are continuing bodies with definite roles in certain ongoing activities of government, while others are temporary study units which go out of existence upon completion of their assignments. Some are composed completely of private citizens holding no other "official" positions, while other such bodies have a mixed membership of private citizens and public officials. In some cases, public governing bodies have one or more "citizen" seats designated for the purpose of incorporating some specific interest (such as a student seat on a school board). Citizen members often are appointed to these committees, commissions, and councils by governmental officials or by the members of those citizen groups which hold seats on the official body, but in some cases they are elected by the constituencies they represent. Where appointment processes are used, the number and types of citizens on the body may be specified by law or administrative regulation for the purpose of ensuring reasonable representativeness within the body and to avoid the "capturing" of the body by special interests with which the group would be expected to have official relationships.

Local planning commissions (numbering nearly 800 in 1970)[7] and the citizen advisory committees required in numerous federal aid programs[8] exemplify the appointed citizen bodies designed primarily for advisory citizen participation purposes. Local government study commissions provide an example of the temporary citizen task force. Elected model cities boards, under the now defunct federal program of that name, provided an example of the elective form of citizen group, a form which is reflected now most often in elected neighborhood councils established in a number of large cities for purposes of neighborhood decentralization. The earlier Model Cities boards operated, and current elected neighborhood councils operate, within the policy framework established by their city or county government, possibly with some degree of decisionmaking authority within their own neighborhoods.

The issues of decentralization within local governments, and community control of schools, were major concerns in the 1960s, generating great controversy. They crystalized the question concerning whether citizen participation means (a) citizen control or (b) ample opportunity for citizens to be heard and responded to within the established structure of government. The anti-establishment mood of the 1960s supported a number of citizen control experiments, competing with established structures of government for the exercise of power, but the 1970s has been a period in which there has been a return to the "ample opportunity to be heard" format. Nevertheless, decentralization to the neighborhood level in a number of the larger local jurisdictions has remained intact in an advisory role.[9] Formally elected advisory neighborhood councils are the result. Some localities—like Dayton and Cincinnati, OH, and New York City—have official neighborhood boards which are used systematically in their planning and budgeting processes.[10] At least 19 local governments also have decentralized their administrative services to "little city halls" to facilitate direct contact with their citizens.[11]

INDIVIDUAL FORMS OF CITIZEN PARTICIPATION

Individuals have contact with government as individuals in many ways. They vote to put elected officials in office (and in some states and localities to remove them also), and in many places they also vote to initiate government policies themselves (as members of the electorate) or to pass upon the actions of state or local legislatures (referendum).[12] Individuals also are clients of various public programs, and make statements of their own views concerning public issues at public hearings, in the mass media, and in other forums. Moreover, individuals are employed by the government, and there is increasing emphasis toward government work forces being representative of all segments of the general population as a means of breaking down the "we-they" relationship between the people and the government. In certain governmental programs (notably antipoverty and Indian programs), special efforts are made to hire project personnel for public contact positions who are members of the population sector being served. This "indigenous" employment practice is designed to sensitize the government staff as well as to enhance acceptance of the governmental program by project clients. Volunteer workers also are used in some programs to supplement public agency efforts and to add the indigenous dimension.

Individuals also are active in influencing public issues through political campaigning and lobbying for their own special interests, not only at election times but throughout the year. When individuals feel they are adversely affected by governmental policies or proposals they may also exercise various rights of administrative appeal, may appeal to a court to stop the implementation of a governmental decision and/or to change that decision, or may even mount a demonstration or protest of some type. These last three courses of action—administrative appeals, court action, and demonstrations—may be used by organizations as well as individuals. Indeed, those actions of this type having far reaching significance for public policy usually do have organizational backing, even though they may take the form of a case directly affecting only an individual. Class action suits are relatively new instruments in the U.S. for influencing relationships between the government and the people, and they are based on an aggregation of individuals rather than upon the existence of an organized corporate body representing the interest involved.

Individual citizen participation (a) relies upon adequate information dissemination, (b) clearly can contribute substantially to the information collected by government, and (c) often can be enhanced very substantially when exercised within the framework of citizen participation organizations. Apart from these interrelationships among the major types of participation, there is one additional factor to consider when an individual has a problem with, or grievance against, government, and is affected alone. In such cases, that person may find that mounting an effort to rectify the situation can be more than an individual can do alone. To surmount this difficulty, some governments have established ombudsmen, consumer affairs offices, offices of public counsel, or other similar mechanisms. These offices assign government officials to the tasks of receiving and looking into complaints about the activities of government, and using the authority of their positions to gain access to relevant government information, to make official findings, and to assist complainants in getting a fair hearing by the government. This practice began in Europe but has spread to several states in the U.S. over the past decade or so, and to several other units of government in the U.S. as well.[13] The ombudsman concept also has its counterparts in the judicial system, where legal aid services and public defender systems have expanded significantly in recent years.[14] The result is that, increasingly, the individual is not left alone in his quest for justice and fair play at the hands of government.

Relationships Between the Purposes and Forms of Citizen Participation

Table 3-1 shows in a rough way the degree to which the several forms of citizen participation may be used to achieve the eight specific purposes of citizen participation. The most obvious feature about the table is that of the 31 forms of participation, about four-fifths may be counted upon to channel information to citizens, while about the same number may be counted upon as means of collecting information from or about citizens. While the forms of participation are not always the same for these two tasks, about three-fifths of the 31 typically may be expected to serve both purposes. This means that a large number of different channels for two-way communications between citizens and government may be opened.

In a general sense, any two-way communications channel may be viewed as a means of helping to improve public decisions, programs, projects, and services if diligently applied toward this end. However, the outcome of participation through most of the forms is so uncertain in relation to its effect on programs that only a few may be counted upon, necessarily, to improve public decisions in most cases. The latter include those specifically designed to solve problems of individuals, to provide unbiased data about the whole population affected, and to sensitize government to the "objective" factors in a public issue. Several other forms of information exchange and organizational or individual participation obviously affect the nature of public decisions, but whether or not the effect is an improvement may be less certain. For example, the effects of political campaigning, lobbying, subjecting public decisionmakers to special interest group pressures, and holding hearings, may or may not improve public activities. In some cases, in fact, these types of participation may delay decisions or perhaps even lead to decisions being skewed away from the general public interest.

Roughly a third of the 31 forms of citizen participation provide fairly reliable means of (a) enhancing acceptance of public decisions or programs, (b) supplementing public agency work, or (c) altering political power and resource allocation patterns. The forms of participation which enhance public acceptance do so by providing political legitimacy (voting, open government, and objective surveys), two-way communications (working in public projects, meetings, conferences, workshops, consultation, hot lines, and drop-in-centers), or high public visability (advertising, notices, and word of mouth). Those forms of participation supplementing public agency work include the contributions made by citizen organizations in providing

Table 3-1

PURPOSES SERVED BY THE VARIOUS FORMS OF CITIZEN PARTICIPATION*

FORMS of Citizen Participation / **SPECIFIC PURPOSES** of Citizen Participation**	Organizational				Individual								Information Dissemination												Information Collection						
	Citizen Groups	Special Interest Groups	Specific Program Clientele Groups	Official Citizen Committees	Voting	Being a Client	Making Statements	Working in Public Projects	Campaign/Lobby	Administrative Appeals	Going to Court	Demonstrations	Open Government	Meetings/Speaker Bureaus	Conferences	Publications	Mass Media	Displays/Exhibits	Direct Mailings	Advertising/Notices	Hot Lines	Drop-in Centers	Correspondence	Word of Mouth	Hearings	Workshops, Meetings, Conferences	Consultation	Government Records	Nongovernment Documents	Participant Observers	Surveys
"Universal" Purposes																															
1. Give Information to Citizens	+	+	+	+		+	+	+	+			+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+				
2. Get Information From/About Citizens	+	+	+	+	+	+	+	+	+			+		+	+		0		+		+	+	+		+	+	+	+	+	+	+
"Establishment" Purposes																															
3. Improve Public Decisions/Programs	0	0	0	0			0	0	0	0	0	0	0	0	0		0		0		+	+	0		0	0	+	0	+	+	+
4. Enhance Acceptance of Public Decisions/Programs	0	0	0	0	+		0	+	0	0	0	0	+	+	+	0	0	0	0	+	+	+	0	+	0	+	+				+
5. Supplement Public Agency Work	+	+	+	+				+		+	+						+									+	+		+		
"Anti-Establishment" Purposes																															
6. Alter Political Power Patterns and Resources Allocations	+	+	+	+	+		0		+	+	+	0	+	0	0	0	0	0	0						0	0	0				0
7. Protect Individual and Minority Group Rights and Interests	0	0	0	0			0		0	+	+	+	+	0	0		0	0	0	0	0	0	0	+	0	0	0	0			0
8. Delay or Avoid Difficult Public Decisions	0	0	0	0			0		+	+	+	+		0	0		0								0	0	0				

BEST COPY AVAILABLE

80

81

*+ = Positive assistance in achieving purpose.
0 = Neutral with respect to purpose (may or may not help to achieve the purpose).
Blank = Not related to purpose.

**These specific purposes all operate within the two general purposes of (1) changing the behavior of governments so that they respond better to citizen needs and desires, and (2) changing citizen behavior to make citizens more capable and active in governmental affairs and less alienated from society. The characterizations of specific purposes as universal, establishment, or antiestablishment are not precise; rather, they are reminders that these purposes are viewed differently and used differently by different groups and individuals.

SOURCE: ACIR staff compilation of information principally contained in: Robert A. Aleshire, "Planning and Citizen Participation: Costs, Benefits, and Approaches," *Urban Affairs Quarterly*, Vol. 5, No. 4, Beverly Hills, CA, Sage Publications, June 1970, pp. 369-93; Sherry R. Arnstein, "A Ladder of Citizen Participation," *Journal of the American Institute of Planners*, Vol. XXXV, No. 4, Washington, DC, American Institute of Planners, July 1969, pp. 216-24; Edmund M. Burke, "Citizen Participation Strategies," *Journal of the American Institute of Planners*, Vol. XXXIV, No. 5, Washington, DC, American Institute of Planners, September 1968, pp. 287-94; Melvin Mogulof, *Citizen Participation: A Review and Commentary on Federal Policies and Practices*, Washington, DC, The Urban Institute, 1970; Nelson M. Rosenbaum, *Citizen Involvement in Land Use Governance: Issues and Methods*, Washington, DC, The Urban Institute, 1976; U.S. Community Services Administration, *Citizen Participation*, Washington, DC, U.S. Government Printing Office, 1978; U.S. Department of Transportation, *Effective Citizen Participation in Transportation Planning*, Vol. II, A Catalog of Techniques, Washington, DC, U.S. Government Printing Office, 1976.

information, preparing reports, and volunteering services, as well as some of the more intensive forms of individual participation (working in public projects, and pursuing administrative or judicial appeals which may revise and clarify public policies, programs, and procedures), and some of the information dissemination and collection methods which help to spread public messages or gather-in outside information for use by government. The obvious contributors to altering political power and public resource allocation patterns are the activities of citizen participation organizations, political participation (voting, campaigning, and lobbying), and pursuing administrative and judicial appeals. Open government also can be expected to aid such changes simply through the power of public scrutiny. Several other forms of citizen participation, as indicated in the table, have more subtle (but sometimes very definite) impacts on political and resource allocation patterns.

Very few of the citizen participation forms have an obvious relationship to protecting individual and minority group rights and interests, or to delaying or avoiding difficult public decisions, although quite a few may be used for this purpose if sincere efforts are made to do so. Among the forms most obviously related to both these purposes are administrative and judicial appeals. Forms related more to minority purposes are open government and word of mouth, both of which can be positive factors in assisting minority groups to find out about governmental activities which may affect them. Demonstrations and protests also may serve both minority and delay purposes, and the latter (or avoidance) purpose may be especially well served by political action in many cases.

Nearly half of the citizen participation forms typically can be expected to make a positive contribution toward achieving at least four of the eight purposes of citizen participation if used diligently and in "good faith" by both officials and citizens.

Who Gets Involved in Citizen Participation and Why?

Table 3-2 shows, in a general way, degree of interaction and involvement among the various types of public officials and sectors of the general public, and the typical purposes of involvement from their own viewpoints or in terms of the

Table 3-2

PURPOSES OF CITIZEN PARTICIPATION GENERALLY EMPHASIZED BY VARIOUS INTERESTS, AND RELATIVE EXTENT OF THEIR INVOLVEMENT*

INTERESTS involved in Citizen Participation / SPECIFIC PURPOSES of Citizen Participation**	Citizens											Officials			
	Majority Groups	Minority Groups	Special Interest Groups	Program Clientele Groups	Press	Voters	Residents	Ordinary Citizens	Individual Program Beneficiaries	Indigenous Employees	Aggrieved Parties	Official Advisory Committees or Commissions	Governing Bodies and Elected Officials	Political Appointees and Bureaucracy	Courts
"Universal" Purposes															
1. Give Information to Citizens	v	v	H	H	H	l	v	l	H	H	H	H	H	H	
2. Get Information From/About Citizens	v	v	H	H	H	l	v	l	H	H	H	H	H	H	
"Establishment" Purposes															
3. Improve Public Decisions/ Programs	v	v	H	H	H		v		v			H	H	H	
4. Enhance Acceptance of Public Decisions/Programs	v	v	H	H	H	v	v		v	H		H	H	H	
5. Supplement Public Agency Work			H	v	H		v			H					
"Anti-Establishment" Purposes															
6. Alter Political Power Patterns and Resources Allocations	v	H	H	H	H		v		v		H	H	H		
7. Protect Individual and Minority Group Rights and Interests		H			H						H	v	H	H	H
8. Delay or Avoid Difficult Public Decisions	v	H	H		H	v	v		v		H	H	H	H	H

*H = Highly involved.
l = Low involvement.
v = Variable amount or intensity of involvement, depending upon the situation; frequently ranging from low to high.
Blank = Typically not involved.

**These specific purposes all operate within the two general purposes of (1) changing the behavior of governments so that they respond better to citizen needs and desires, and (2) changing citizen behavior to make citizens more capable and active in governmental affairs and less alienated from society. The characterizations of specific purposes as universal, establishment, or antiestablishment are not precise; rather, they are reminders that these purposes are viewed differently and used differently by different groups and individuals.

SOURCE: ACIR staff compilation of information principally contained in: Robert A. Aleshire, "Planning and Citizen Participation: Costs, Benefits, and Approaches," *Urban Affairs Quarterly*, Vol. 5, No. 4, Beverly Hills, CA, Sage Publications, June 1970, pp. 369-93; Sherry R. Arnstein, "A Ladder of Citizen Participation," *Journal of the American Institute of Planners*, Vol. XXXV, No. 4, Washington, DC, American Institute of Planners, July 1969, pp. 216-24; Edmund M. Burke, "Citizen Participation Strategies," *Journal of the American Institute of Planners*, Vol. XXXIV, No. 5, Washington, DC, American Institute of Planners, September 1968, pp. 287-94; Melvin Mogulof, *Citizen Participation: A Review and Commentary on Federal Policies and Practices*, Washington, DC, The Urban Institute, 1970; Nelson M. Rosenbaum, *Citizen Involvement in Land Use Governance: Issues and Methods*, Washington, DC, The Urban Institute, 1976.

effect they have.[15] As this table shows, all the basic types of public officials usually have a high degree of involvement with some aspect of citizen participation. Court officials are least involved, but even they must deal with citizen appeals when aggrieved parties seek to protect their individual and minority group rights or interests, or to delay or change a public decision made in the executive or legislative branches of government.

Among the various sectors of the general public, the press, special interest groups, and specific clientele groups related to governmental programs generally are the most intensely involved. Their high degree of involvement is prompted by a concern with most of the eight purposes of citizen participation. Minority groups, individual clients benefiting from programs, individual citizens employed in a government program, and aggrieved parties all have extensive involvement with government, but for more restricted purposes. The minority groups and aggrieved parties are more concerned with altering the allocation of political power and public resources, protecting their own rights, and delaying or avoiding public decisions which may be incompatible with their own interests, while the individual program beneficiaries and indigenous employees are more likely to be concerned with program information and the acceptability of programs. Organized majority groups, residents of particular neighborhoods or communities, and voters may get involved to a high degree or very little, depending upon the ebb and flow of specific issues at particalar times and places. Minority groups also may exhibit this situational behavior with respect to their involvement, since many policy issues and administrative actions have no particular minority group focus. Ordinary citizens, in the main, who are not acting in one or another of these other citizen capacities, can be expected to have very little direct involvement in citizen participation programs.

The potential for involvement by any individual or group at any time, however, may be as important as actual involvement. For example, the fact that citizens have the opportunity to examine and criticize a local budget probably will influence that budget even if such citizen action seldom occurs. While this follows common sense, its validity also has been confirmed clearly by the mathematical field of game theory.[16]

Special Techniques to Enhance Interactive Participation

Table 3-3 lists 15 special techniques which have been used in various of the citizen participation forms to enhance the effectiveness of two-way information flows between different elements within government or within the citizenry, or between the government and citizens. As the table shows, most of these techniques may be used with the various types of organizations involved in citizen participation, as well as in workshops, meetings, and conferences designed to elicit responses from participating citizens and others. In addition, the "plural planning" or advocacy planning techniques described earlier can be used to inject alternative policies or plans into political campaigns or appeals processes of either the administrative or judicial varieties. Finally, some of the newer technological techniques, based upon computers and television, may be used to add an interactive dimension to surveys.

It should be noted that these special techniques (most of which relate to groups rather than individuals) are not the only means of facilitating participation. In fact, all the *forms* of citizen participation previously identified do this, and many of them (such as hot lines, direct mail, drop-in centers, and ombudsmen) are directly designed to facilitate participation by individuals as individuals. The distinction made here between *forms* and *special techniques* is simply that the former are identifiable structures or activities which stand on their own, while the latter need a vehicle in which to be used (and a variety of vehicles will serve).

When to Use Citizen Participation

An effective citizen participation process involves the appropriate use of different forms and techniques at the right stages in a governmental activity. *Table* 3-4 shows this relationship in a generalized fashion, relating the stages of governmental activity to the major purposes of citizen participation. Then, by referring back to *Tables* 3-1 and 3-3, the reader can translate these purposes into appropriate options for the forms and techniques of citizen participation which might be chosen at any stage.

For purposes of this analysis, the stages of governmental decisionmaking and problem solving activities are:

Table 3-3

SPECIAL TECHNIQUES OF CITIZEN PARTICIPATION RELATED TO MAJOR FORMS OF CITIZEN PARTICIPATION

SPECIAL TECHNIQUES of Citizen Participation / FORMS of Citizen Participation	Organizational				Individual								Information Dissemination												Information Collection						
	Citizen Groups	Special Interest Groups	Specific Program Clientele Groups	Official Citizen Committees	Voting	Being a Client	Making Statements	Working in Public Projects	Campaign/Lobby	Administrative Appeals	Going to Court	Demonstrations	Open Government	Meetings/Speaker Bureaus	Conferences	Publications	Mass Media	Displays/Exhibits	Mail	Advertising/Notices	Hot Lines	Drop-In Centers	Correspondence	Word of Mouth	Hearings	Workshops, Meetings, Conferences	Consultation	Government Records	Nongovernment Documents	Participant Observers	Surveys
Legal																															
1. Arbitration		x	x																												
Psychological																															
2. Mediation	x	x	x	x																						x					
3. Coordinator/ Catalyst	x	x	x	x																						x					
4. Plural Planning	x	x	x	x					x	x	x															x					
5. Group Dynamics	x	x	x	x																						x					
6. Focused Group Discussion	x	x	x	x																						x					
7. Policy Capturing	x	x	x	x																						x					
8. Policy Delphi	x	x	x	x																						x					
9. Priority Setting	x	x	x	x																						x					
10. Design-In	x	x	x	x																						x					
11. Game Simulation	x	x	x	x																						x					
Technological																															
12. Interactive Cable TV	x	x	x																												
13. Teleconferencing by Computer	x	x	x																												x x
14. Real Time Computer Polling and Feedback	x	x	x	x																						x					x
15. Interactive Computer Graphics	x	x	x	x																						x					

SOURCE: ACIR staff compilation of information principally contained in: U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, U.S. Government Printing Office, 1976.

Table 3-4

APPROPRIATENESS OF CITIZEN PARTICIPATION PURPOSES AT THE VARIOUS STAGES OF GOVERNMENTAL ACTIVITY

STAGES of Governmental Activity / SPECIFIC PURPOSES of Citizen Participation*	1. Problem and Issue Recognition	2. Goals Setting	3. Fact Finding and Research	4. Problem Definition and Revision of Goals	5. Development of Alternative Public Policies and Programs	6. Analysis of Alternatives (impact analyses)	7. Recommendation and Adoption of Preferred Public Policies and Programs	8. Implementation of Adopted Public Policies and Programs	9. Evaluation of Policy and Program Implementation
"Universal" Purposes									
1. Give Information to Citizens	x	x		x		x	x	x	x
2. Get Information From/About Citizens	x	x	x	x		x	x		x
"Establishment" Purposes									
3. Improve Public Decisions/Programs		x		x	x	x	x	x	x
4. Enhance Acceptance of Public Decisions/Programs	x	x		x			x	x	
5. Supplement Public Agency Work	x		x		x	x		x	x
"Anti-Establishment" Purposes									
6. Alter Political Power Patterns and Resources Allocations	x	x		x			x	x	
7. Protect Individual and Minority Group Rights and Interests	x	x		x		x	x	x	
8. Delay or Avoid Difficult Public Decisions							x	x	

*These specific purposes all operate within the two general purposes of (1) changing the behavior of governments so that they respond better to citizen needs and desires, and (2) changing citizen behavior to make citizens more capable and active in governmental affairs and less alienated from society. The characterizations of specific purposes as universal, establishment, or antiestablishment are not precise; rather, they are reminders that these purposes are viewed differently and used differently by different groups and individuals.

SOURCE: Cogan & Associates, *Techniques of Public Involvement*, State Planning Series 11, Washington, DC, Council of State Planning Agencies, 1977.

1) problems and issues recognition
2) goals setting,
3) fact finding and research,
4) problem definition and revision of goals,
5) development of alternative public policies and programs,
6) analysis of alternatives (impact analyses),
7) recommendation and adoption of preferred public policies and programs,
8) implementation of adopted public policies and programs, and
9) evaluation of policy and program implementation.

As *Table 3-4* shows, citizen participation of some type is appropriate at all of these stages. The widest range of participation purposes apply at the recommendation, adoption, and implementation stages, but almost as wide a range is appropriate at the earlier goal setting and problem definition stages. Very significant participation, involving half or more of the citizen participation purposes, also is appropriate at the problem and issue recognition stage as well as the impact analysis and final evaluation stages. The fewest purposes of public involvement come into play at the fact finding and research stage and the stage in which alternative public policies and programs are developed, although these purposes sometimes may produce very significant benefits at these stages also. The high degree of expertise needed at these stages (or large amounts of technical assistance needed to compensate for the lack of expertise by citizens) sometimes limits the amount of participation at these two stages. Still, it should be recognized that the professionally trained "experts" have no monopoly on creativity or new ways of seeing problems and solutions. In fact, sometimes too much training restricts vision enough that only a fresh view from outside the bureaucracy can open new vistas and break impasses.

Table 3-4 also shows how continuously or sporadically the different purposes of citizen participation are likely to be focused upon by the various interests (identified in *Table 3-2*) as a governmental activity is pursued. Goals which are pursued from beginning to end include informing citizens and developing information for use in governmental activities. The purposes of improving public decisions, supplementing public agency work, and protecting individual and minority group rights also recur throughout the process. Efforts to enhance acceptance of policies and programs and to alter political power and public resources allocation patterns occur primarily at the direction setting and implementation stages (stages 1, 2, 4, 7, and 8). Anyone interested in delaying or reversing public decisions and activities also may be concerned with these direction setting stages, but drastic actions to achieve this purpose usually are reserved for the recommendation, adoption, and implementation stages (stages 7 and 8).

Programs in Which Citizen Participation is Used

Citizen participation is used in both the legislative and executive branches of government, and often relates to processes and policies of general government involving the highest level elected and appointed officials. Such participation also is used quite commonly in many individual programs in both the physical development and human services fields, where citizens may be involved even more deeply, delving into administrative matters and dealing with lower level staff people as well as the higher level policies and officials. Except for the most traditional forms of political participation (voting, campaigning, and lobbying),[17] most forms and techniques of citizen participation used today are of relatively recent origin.

Some of the more recent citizen participation methods, however, have older roots going back to earlier physical development programs and local government reforms. The "good government" movement in the early part of this century spawned citizen planning commissions throughout much of the nation and a variety of citizen task forces and study commissions which prepared special reports with recommendations for improving and modernizing the forms and functions of government. Often, these commissions, task forces, and study groups originated as citizen "watch dog" groups designed to monitor the activities of government and bring outside pressure to bear as a means of correcting governmental abuses and inadequacies. However, as time passed, the planning commissions and other citizen groups in the physical development programs took on functions which were more integral to the operations of continuing governmental activities. Their physical development assignments oriented them largely toward public works projects and the programming of funds for such projects over three or five-year periods of time in accordance with physical development plans.

This physical project orientation led to emphasis upon improving the design of the projects to enhance their efficiency and effectiveness and to minimize their adverse impacts on the community, thereby enhancing their political and community acceptance. Urban redevelopment and renewal programs deepened citizen involvement in physical development work very greatly in the 1950s, and led the way for even more intensive participation under the Model Cities program in the second half of the 1960s. Heavy participation in transportation projects began in the 1960s, and environmental concerns have been added in the 1970s. Energy programs are now at the threshold of developing such involvement.

Citizen participation in agricultural and natural resources programs came out of somewhat different traditions in the early part of the century. The former were approached, for example, through the demonstration programs of the agricultural extension agents (with direct farmer contacts), through loan programs with farmer-controlled review committees, and through the election of farmer-controlled soil conservation districts, while the development of water resources (through building dams and supplying irrigation and rural electrification) generated rural citizen committees and direct "consumer" relationships with the federal government.

Citizen participation in human services programs received national attention considerably later, and grew out of still different traditions. It is more people oriented, case work sensitive, and advocative in nature. Its roots are largely in social work and sociology, and its national origins are found in the mid-1960s when the antipoverty program and similar efforts began—some have argued—as an effort to defuse the "time bomb" of dissatisfaction in urban ghettos which eventually broke out as urban riots. In comparison with citizen participation in physical developmental fields, human services participation tends to be more oriented to continuous program operations on a year-by-year and month-by-month basis, rather than the more episodic project orientation represented by public works. Despite its later start, the human services field encompasses some of the most innovative participation forms and techniques. However, these tend not to be as uniformly applied across all human services as is common among physical development programs.

Among the general government programs, except for comprehensive planning which follows the physical development pattern, traditional political participation (augmented by occasional temporary study commissions) typically was felt to be adequate until recent years. In the post-Watergate era, however, the urge to rebuild confidence in government has led to major efforts in the last few years to open all parts of government to public view. Increasingly, now, most legislative meetings are open to the public and may even be broadcast by the electronic media, while administrative rulemaking which once took place behind closed doors (with the involvement of only special interest groups) also has been put out in the open through public notices, publication of proposed rules, and open invitations for all to comment and have their comments responded to. Even labor negotiations now are being conducted in public in some cases, or submitted to some sort of public ratification process afterwards.

Admittedly, these characterizations of participation across the broad spectrum of government programs and activities is very general and imprecise. Nevertheless, it provides some sense of the different origins and perceptions of participation in the different programs. Additional detail on some of these programs is provided in *Chapter 4*, where brief descriptions of citizen participation requirements in several federal grant programs are examined, and in *Chapter 5* where there is an examination of participation in issues of state and local government budgeting and financing.

A general overview of the program-by-program variations in citizen participation forms and techniques are shown in *Table 3-5*. This table also shows variations by program for the several "means" of facilitating citizen participation—regardless of which form or technique is being used.

The forms and techniques of citizen participation have been described earlier in this chapter, but the general means of facilitating them have only been hinted at. Thus, it is appropriate to describe the means here before proceeding to examine *Table 3-5*. These "means" are actions

Table 3-5

PROGRAMS USING VARIOUS CITIZEN PARTICIPATION FORMS, TECHNIQUES, AND MEANS OF FACILITATION—BY FREQUENCY OF USE*

FORMS, TECHNIQUES, AND MEANS OF FACILITATING Citizen Participation / PROGRAMS of Citizen Participation	General Government						Physical Development							Human Services								
	1. Budget and Finance	2. Comprehensive Planning	3. Legislation	4. Administrative Rule-Making	5. Labor Relations	6. Scientific Research	1. Community Development	2. Economic Development	3. Transportation	4. Environmental Protection	5. Energy	6. Agriculture	7. Natural Resources	1. Aging	2. Anti-Poverty	3. Jobs	4. Health	5. Education	6. Leisure Time	7. Welfare	8. Housing	9. Criminal Justice
FORMS																						
1. Organizational																						
a. Citizen Groups	G	G	G	G	e		G	G	G	G	s	G	G		s	s	s	s	s		G	s
b. Special Interest Groups	G	G	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
c. Specific Program Clientele Groups	G	s	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
d. Official Citizen Committees, Task Forces, and Commissions	s	G	s	s	s		G	G	G	G	s	G	G	G	G	s	G	G	G		G	G
2. Individual																						
a. Voting	s		s									s		s	s							
b. Being a Program Client	s	s	s	s								G		s	s	s	s	s	s	s	s	
c. Making Statements	G	G	G	G			G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
d. Attending Meetings	G	G	G	G			G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
e. Working in Public Projects		s					s	s	e			G		s	G	G	s	s	s	G	s	s
f. Campaigning/Lobbying	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
g. Court/Administrative Appeals			s	s	s		s		s	s	s		s	s	s						s	s
h. Demonstrating			s	s	s		s	s	s	s	s	s	s	s	s	s				s	s	s
3. Information Dissemination																						
a. Open Government	G	G	G	G			G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	s
b. Special Public Information Meetings		G		s			G	G	G	G	G	G		s	G			G	G		G	G
c. Conferences		G		s			G	G	G	G	G	G		s							G	
d. Publications	G	G	s	s		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
e. Mass Media	G	G	G	e	G	G	G	G	G	G	G	G	G	s	G	G	G	G	G	G	G	G

BEST COPY AVAILABLE

f. Displays/Exhibits/Etc.		G				G	G	G	G	G	G	G	G				G	G	G		G	
g. Mail	G	s	s	e			s				s	G		s				s	s			
h. Advertising/Notices								s	s		s			s								
i. Hot Lines										s				s	s		s					s
j. Drop-In Centers		s					s					G		G	s	s	s		s			
k. Correspondence	G	G	G	G	s	s	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
4. Information Collection																						
a. Hearings	G	G	G	s			G	G	G	G	G	s	G	G				s	s		G	G
b. Workshops, Meetings and Conferences	s	s	s	s			s	s	s	s	G	G	s	G	G	s			s	s	G	G
c. Consultation	G	G	G	G		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
d. Government Records	s	G	G	G	s	s	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
e. Nongovernment Documents (content analysis)		G	G	G		G	s	G	s	s	G		s				G	G	G		G	
f. Participant Observers							e							e	e		e				e	e
g. Surveys	s	s	s	e	e		s	s	G	s	s	s		s	s	s	s	s	s	s	G	s
TECHNIQUES																						
1. Legal																						
a. Arbitration					s																	
2. Psychological																						
a. Mediation		s	s	e	s		s	s	s	s	s	e	s		s	s		s	s	s	s	s
b. Coordinator/Catalyst		s		e			s	s	s	s		e	s									
c. Plural (advocacy) Planning		e					e	e	e	e		e			s							
d. Group Dynamics		s		s			s	s	s	s		s	s	s	s			s	s		s	
e. Focused Group Discussion									e			G						e			e	
f. Policy Capturing					e		e					e	e									
g. Policy Delphi							e				e	e		e								
h. Priority Setting	s	s					s	s	s	s		s	s								s	
i. Design-In							e		e			e										
j. Game Simulation							e				e	e										
3. Technological																						
a. Interactive Cable TV															e		e	e		e		
b. Teleconferencing by Computer								e														
c. Real Time Computer Polling and Feedback																		e				
d. Interactive Computer Graphics and Game Simulation		e							e		e											

Table 3-5 (cont.)

PROGRAMS USING VARIOUS CITIZEN PARTICIPATION FORMS, TECHNIQUES, AND MEANS OF FACILITATION—BY FREQUENCY OF USE*

FORMS, TECHNIQUES AND MEANS OF FACILITATING Citizen Participation / PROGRAMS of Citizen Participation	General Government						Physical Development							Human Services								
	1. Budget and Finance	2. Comprehensive Planning	3. Legislation	4. Administrative Rule-Making	5. Labor Relations	6. Scientific Research	1. Community Development	2. Economic Development	3. Transportation	4. Environmental Protection	5. Energy	6. Agriculture	7. Natural Resources	1. Aging	2. Anti-Poverty	3. Jobs	4. Health	5. Education	6. Leisure Time	7. Welfare	8. Housing	9. Criminal Justice
MEANS OF FACILITATING																						
1. Simplify and Clarify the Process				s																		
2. Provide Citizen Participation Training to:																						
a. Citizens							s			s		s			s							
b. Pubiic Officials and Staffs				e					s			s										
3. Provide Citizen Participation and Related Staff to:																						
a. Citizen Groups		s					s							s	s						s	
b. Government Agencies		s	G	e			G	s	s	s		G	s	s	G		s	s	s		G	G
4. Provide Technical Assistance to:																						
a. Citizen Groups	s	s		s			s	s	s	s	s	G	s	G	G	s	s	s		s	s	s
b. Certain Individual Citizens												G		s	s						s	
5. Provide Economic Assistance and Incentives for Citizens to Participate											s	G			s	s	s	s		s	s	s
a. Cost Reimbursement	s	s	s	s		s	s	s	s	s				G	G	G	G	G		G	G	
b. Honoraria		s		e			s								s							

*G = Generally used. s = Sometimes used. e = Experimentally or infrequently used. Blank = Not used.

SOURCE: U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, U.S. Government Printing Office, 1976.

BEST COPY AVAILABLE

which may be taken by government, or by other interested parties, to enable participants in the process—whether they are public officials or private persons or groups—to be more effective.

Perhaps most basic is the effort to simplify and clarify the governmental processes in which participation is occurring. Unnecessary complexity and confusion makes participants waste their time and efforts, become increasingly frustrated with their lack of effectiveness, and ultimately withdraw from the process.

But even with relatively clear and simple governmental processes, participants need to "learn the ropes" and have access to staff and technical assistance. Several means are available to provide this help. One is training in the use of citizen participation forms and techniques. It sometimes is as useful to public officials and their staffs as it is to citizens themselves. Then, once the participants know what is to be done to participate effectively, they can do a much better job if they have staff allocated to help them, and if they have access to technical resources which can help answer key questions brought up in the participation dialogue.

Finally, economic assistance can do a great deal to enable participants to join and remain in the participation process. This is an especially crucial consideration in the participation of low and moderate income people who may not be able to afford the babysitting, transportation, and salary loss consequences of participating. This becomes a major concern in human services programs where many of the most relevant participants fall into these lower income categories. In other programs, this cost reimbursement consideration is often more limited to the courtesy type of expenses such as free parking and a free meal at the meeting site. Honoraria, not specifically related to any actual costs, also have been provided in a few cases where additional incentive was desired for attracting particular experts or a good cross section of those to be represented.

As *Table 3-5* shows, some form of reimbursement often is provided, often covering a fuller range of costs in the human services fields than in other programs. Also, citizen participation staffs are generally provided within government agencies in a number of different program areas. Those staffs, often supplemented by other regular staff members in public agencies, frequently provide technical assistance to citizen groups. However, the other means of facilitating participation are not used to nearly so great an extent. This is evident in the fact that the government processes in which citizens are expected to participate remain complex and confusing for the most part. In addition, citizen participation training is seldom offered either to citizens or public officials, and staff assistance is seldom provided to citizen groups. Also, technical assistance is seldom provided to individual participants, and the same may be said of honorariums.

With respect to the forms of citizen participation, *Table 3-5* shows that all of the governmental program areas tabulated make widespread use of three or more of them, and all the programs use still other forms sometimes or occasionally. The program areas using the fewest forms are labor relations and scientific research—as one might expect. In the middle group are the program fields of budget and finance, legislation, administrative rulemaking, natural resources, services for the aging, antipoverty, job training and placement, health, education, leisure time, welfare, and criminal justice. The ones using the largest number of forms are comprehensive planning, community development, economic development, transportation, environmental protection, energy (potentially), agriculture, and housing.

The forms of participation used most commonly by the various program areas are special interests and specific program clientele groups, individual statements and attendance at meetings, political campaigning and lobbying, open government, publications and mass media, correspondence and consultation, and the analysis of information from government records. Least generally used are indigenous employment in public projects, mass mailings, drop-in centers, participant observers, and surveys.

None of the special techniques for intensifying the two-way interchange of information are generally used in any program area (except focused group discussions in agriculture), but these techniques at least have been experimented with in almost every program area.

Comprehensive Participation Processes

Recognizing that citizen participation can be much more effective and useful when several forms of it are used together, many units of

Table 3-6

FORMS OF CITIZEN PARTICIPATION USED IN CERTAIN CITIZEN PARTICIPATION PROCESSES, AND DEGREE TO WHICH RELIED UPON

FORMS of Citizen Participation / **PROCESSES** of Citizen Participation	Organizational				Individual								Information Dissemination												Information Collection						
	Citizen Groups	Special Interest Groups	Specific Program Clientele Groups	Official Citizen Committees	Voting	Being a Client	Making Statements	Working in Public Projects	Campaign/Lobby	Administrative Appeals	Going to Court	Demonstrations	Open Government	Meetings/ Speaker Bureaus	Conferences	Publications	Mass Media	Displays/Exhibits	Mail	Advertising/Notices	Hot Lines	Drop-In Centers	Correspondence	Word of Mouth	Hearings	Workshops, Meetings, Conferences	Consultation	Government Records	Nongovernment Documents	Participant Observers	Surveys
1. Standard Public Policy Process	m	H	m	H	l	l	H		H	m	m	H	l	m		m	m	m		l			H		H	l	l	m	l		m
2. Open Public Policy Process	H	H	H	H	l	m	H	m	m	l	l	l	H	H	H	H	H	H	H	H	H	H	H		H	H	H	H	H	l	H
3. Value Analysis	H	H	H	H										H												H	H				H
4. Charrette	H	H	H											H		H	H	H		H						H	H				

H = Highly relied upon.
m = Moderately relied upon.
l = Low degree of reliance.
Blank = This form typically not used.

SOURCE: ACIR staff compilation based principally upon: U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, U.S. Government Printing Office, 1976.

government have established more or less comprehensive programs of citizen participation which make use of several such forms. *Table 3-6* shows the degree to which four such processes rely upon the various forms of citizen participation.

The first one—standard public policy process—often used by governing bodies and planning commissions, makes heavy use of such forms as official citizen commissions, committees, and task forces, as well as special interest groups, political processes, and hearings. Other forms of participation are used to lesser degrees, but too frequently participation is inadequate and leads to demonstrations or other types of protest in the end.

By contrast, the "open" public policy process places a high reliance on about three times as many participation forms. The idea is to provide much fuller participation throughout the policymaking process, and minimize the risk of demonstrations and protests in the final stages.

The other two comprehensive participation processes—value analysis and charrette—are much more highly structured, and have been used much less frequently. Value analysis has been used in the transportation and education fields, while charrettes have been used for designing schools and neighborhood facilities, regional land use plans, urban renewal projects, model cities projects, rapid transit systems, highway interchanges, urban malls, and historic preservation plans.

The value analysis process identifies the key parties-at-interest in a public policy issue, and involves all of them throughout the policymaking process in (a) identifying the factors of chief concern to them, (b) ranking the consequences of alternative proposals, (c) reacting to technical studies, (d) resolving community differences of opinion, and finally (e) developing support for a preferred policy or program. The forms and techniques used in this process may vary from time-to-time and place-to-place, but great reliance is placed upon representative citizen and special interest groups, meetings, workshops, conferences, consultations, and surveys. The more highly interactive these forms, the better.

The charrette is much like the design-in technique described earlier, except that the charrette has greater status in the planning process and follows through all the way to the point of official public decisionmaking. It is a highly intensive problem solving process which is usually applied to a relatively limited and well defined public policy issue. It involves choosing a relatively small but highly representative group of people affected by the issue, and gathering them together in a marathon meeting process where they are given adequate staff and technical support and are asked to "solve the problem." The process may be scheduled over a series of consecutive weekends or evenings within a relatively short period of time so that a highly intensive working atmosphere can be developed and maintained. The result is a definite public policy proposal and project design, agreed to by more or less "official" representatives of the parties-at-interest. The policy proposal and project design are presented to public policymakers for final action.

The charrette is a highly interactive process, and it uses many of the same participation forms as value analysis. The chief differences are (1) that much more attention may be given at the beginning to publicizing the charrette and choosing participants from the affected community who may not necessarily be organizational representatives, and (2) the charrette takes place over a much shorter period of time, essentially within the confines of one room, whereas the value analysis may take place over a long period of time with many more steps to the process and many more technical studies and outside factors influencing the process.

While the value analysis and charrette processes are not as general purpose as the "standard" and "open" public policy processes, they do illustrate the way in which a variety of citizen participation forms and techniques may be linked together creatively to help solve large-scale, long-range planning problems and smaller, more immediate project design problems.

Factors Considered in Developing Citizen Participation Processes

If it is agreed that citizen participation is most effective when approached through a process which provides a variety of opportunities at different stages of governmental activities, then developing an effective process involves choosing the appropriate participation forms and techniques, and providing appropriate support to facilitate the process at particular times in specific places. Such choices can be made upon the basis of the political acceptability, productivity, and feasibility of the various forms, techniques, and means. These factors, differentiating the many methods of participation, are examined below.

POLITICAL ACCEPTABILITY

To be politically acceptable, a method of participation must be perceived as providing fair opportunities for inclusion of viewpoints from all sectors of the community or other constituencies which reasonably may be expected to be affected by the issues involved. Such methods also must be viewed as producing credible results, based upon responsible processes under which participants may be held accountable for their actions. These factors of fairness, inclusiveness, responsibility, and accountability have the effect of legitimizing the process and making the results more credible.

The other principal dimension of political acceptability concerns the degree and rapidity of change which is sought in the political order. Are the issues being raised in the main stream of those already recognized politically? Are they new ones on the fringe of recognition? Or, perhaps, are they issues which the present political order has already "swept under the rug?" Does the citizen participation method seek to challenge existing political power bases and shift that power to new leaders more sympathetic to currently unacceptable issues? Obviously, there is a great difference between citizen participation which is genuinely helpful on well accepted issues and works in harmony with existing leadership, and participation which seeks to change existing leadership and move into new "unsettling" types of issues. Both types of participation may be necessary from time to time and place to place, but the former has a much greater chance of being politically accepted from the beginning, while the latter is much more likely to stir political opposition.

PRODUCTIVITY

The productivity of a citizen participation method is related to:

1) its ability to actually attract citizens to take part in it actively;

2) its ability to involve citizens relatively intensely, so that they become knowledgeable about the issues and provide well considered responses;

4) its ability to yield unique information about the people and organizations affected, the issues involved, and the ideas or viewpoints of the interested parties;

4) its ability to resolve issues (rather than to polarize them); and

5) its ability to be objectively validated so that the reliability of information produced may be checked and vouched for.

FEASIBILITY

There also is the question of the feasibility of the participation method. Some citizen participation methods cost much more than others, while others may require much more of the citizens' time than alternative methods. Some methods may take so long that, by the time results are produced, the issues have already been decided. Citizen participation methods also vary a great deal in terms of citizen convenience. Moreover, some methods are so complex, or deal with issues so complex, that ordinary citizens cannot participate in them without special training, special equipment, or other assistance. Finally, some methods may require the passage of new laws before they can be used. While these difficulties might ultimately be overcome, they present practical obstacles in the pursuit of certain types of participation.

Evaluating the Forms of Citizen Participation

Table 3-7 rates the various citizen participation forms, techniques, and facilitation practices on the basis of their political acceptability, productivity, and feasibility. These ratings are judgmental, but they are based upon an extensive review of the literature of citizen participation and upon specific pro and con evaluations of most of the forms and techniques prepared by the Federal Highway Administration in 1976.[18]

ORGANIZATIONAL FORMS

The ratings of organizational forms of citizen participation are fairly high overall. Especially with respect to their feasibility and their productivity in terms of attracting citizens to become involved and providing worthwhile information not available elsewhere. The self-selected citizen groups and special interest groups are not as high in political acceptability as public program clientele groups and officially constituted citizen committees, task forces, and commissions, because of their potential for being biased on issues affecting them. The clientele groups are considered to be legitimate participants because of their high degree of involvement, while the officially constituted committees and commissions (including task forces) are "acceptable" because appointments to them can be balanced to ensure a fair and inclusive mixture of viewpoints and members who are viewed as responsible and accountable individuals. Of course, if appointments to these bodies are not made with such factors in mind, then these bodies also may lose their relatively high degree of "acceptability."

INDIVIDUAL FORMS

Individual forms of citizen participation are quite varied, and span the full range of ratings. Voting and being a program client are viewed as highly legitimate in the political sense, and both are productive and feasible as well. Attending meetings and working in public projects also receive fairly high ratings, with relatively few drawbacks. On the other hand, individuals making public statements often are highly suspect, in that their statements are immediately discounted as being "one man's opinion" unless the person is a recognized leader of some sort (tying him back to some organizational relationship). Political campaigning, lobbying, and demonstrating or protesting against government have even greater drawbacks; they represent obvious biases with respect to the issues confronted. Finally, the use of judicial and administrative appeal procedures by individuals presents almost as many problems of feasibility and adverse impact on programs as the benefits which may accrue ultimately as program improvements; thus, they usually are viewed as a "last resort."

INFORMATION DISSEMINATION

Information dissemination practices have many benefits and few disadvantages, except that they (in themselves) are not very productive unless used in conjunction with other participatory practices.

INFORMATION COLLECTION

Most information collection practices also have many benefits and few drawbacks. However, there are two exceptions. The drawbacks of public hearings (lack of opportunity for two-way communications and the biased nature of much of the information placed in the record) fairly evenly balance out their simplicity, feasibility, and familiar position within the citizen participation process. Thus, they may be seen, very often, as necessary parts of the citizen participation process, but not one of the more productive parts. The other information collection practice with substantial drawbacks is the use of participant observers. This method is impractical for use on a broad scale, but it can be very productive in limited situations where other means may be unproductive.

SPECIAL TECHNIQUES FOR ENHANCING INTERACTION

Most of the special techniques for enhancing interactions among governments and people in the citizen participation process are highly productive and politically acceptable. Most also are quite feasible. However, they are not without problems. For example, the legal arbitration technique is ruled out in many situations by the lack of authorization to carry it out, and the design-in and game simulation techniques are so intensive that they raise a whole variety of feasibility questions in a large number of situations. The technologically based interactive techniques also face feasibility problems relating to cost and the need for special equipment and specially trained participants.

MEANS OF FACILITATING PARTICIPATION

The means of facilitating participation (applicable to any of the forms or techniques used), generally present opportunities for improving the process with few drawbacks. However, their relative lack of use attests to the significance of such drawbacks. For example, the staffing of citizen groups and certain individual citizens having special needs does run into some problem of political acceptability; it may present a challenge to existing leadership because it might give citizens a greater capability to raise "unacceptable" issues with greater frequency and intensity. Thus, it often is viewed as something

Table 3-7

MAJOR FEATURES OF THE VARIOUS FORMS, TECHNIQUES, AND MEANS OF FACILITATING CITIZEN PARTICIPATION

FEATURES of Forms, Techniques, and Means of Facilitating Citizen Participation / FORMS, TECHNIQUES AND MEANS OF FACILITATING Citizen Participation	Political Acceptability*					Feasibility*					Productivity*				
	1. Fair/Inclusive	2. Responsible/Accountable	3. Credible (Manipulable)	4. Maintains (Shifts) Political Power	5. Deals with "Acceptable" Issues	1. Cost**	2. Time Required	3. Timeliness	4. Convenience for Citizens	5. Understandability of Methods and Issues (need for special training, equipment, legal authorization)	1. Ability to Attract Citizens	2. Intensity and "Worth" of Involvement	3. Ability to Yield Unique Information, Issues, Ideas, and Viewpoints	4. Ability to Resolve (Polarize) Issues	5. Validity and Reliability of Method and of Information Produced
FORMS															
1. Organizational															
a. Citizen Groups	m	m	m	m	m	H	H	m	m	H	H	m	H	Q	m
b. Special Interest Groups	Q	m	m	H	Q	H	H	H	H	H	H	H	H	Q	m
c. Specific Program Clientele Groups	H	H	H	H	Q	H	H	H	H	H	H	H	H	Q	m
d. Official Citizen Committees, Task Forces, and Commissions	m	m	m	m	H	H	H	H	m	H	H	H	H	m	m
2. Individual															
a. Voting	H	H	H	Q	H	H	H	Q	H	H	m	m	H	H	H
b. Being a Program Client	H	H	H	m	Q	H	H	H	m	m	H	H	H	Q	H
c. Making Statements	Q	Q	Q	Q	Q	H	H	H	m	H	m	m	m	Q	Q
d. Attending Meetings	H	m	m	m	m	H	m	m	m	H	m	m	m	m	m
e. Working in Public Projects	Q	H	Q	m	m	m	H	H	H	H	H	H	m	m	m
f. Campaigning/Lobbying	Q	Q	Q	Q	Q	m	m	Q	Q	H	m	m	m	Q	Q
g. Court/Administrative Appeals	H	H	H	H	Q	Q	Q	m	Q	Q	Q	H	H	H	H
h. Demonstrating	Q	Q	Q	Q	Q	m	m	H	Q	H	m	m	m	Q	Q
3. Information Dissemination															
a. Open Government	H	H	H	Q	Q	m	m	H	H	H	m	m	H	m	H
b. Special Public Information Meetings	H	H	m	m	H	m	m	H	m	H	m	m	m	m	m
c. Conferences	m	m	m	m	m	m	m	m	m	m	m	H	H	H	H
d. Publications	H	H	m	m	H	m	m	H	H	m	m	Q	Q	Q	Q
e. Mass Media	m	m	m	Q	Q	H	H	H	H	H	H	Q	Q	Q	Q

f. Displays/Exhibits/Etc.	m	m	m	H	H	m	m	m	m	H	m	Q	Q	Q	Q
g. Mail	H	m	m	H	H	m	m	H	H	H	H	Q	Q	Q	Q
h. Advertising/Notices	H	m	m	H	H	m	H	H	H	H	H	Q	Q	Q	Q
i. Hot Lines	H	H	H	H	Q	m	m	H	H	H	H	H	H	H	H
j. Drop-In Centers	H	H	H	H	Q	m	m	H	H	H	m	H	H	H	H
k. Correspondence	m	H	m	m	Q	m	m	H	H	H	m	H	m	m	m
4. Information Collection															
a. Hearings	Q	Q	Q	m	m	H	m	H	m	H	m	H	m	Q	Q
b. Workshops, Meetings and Conferences	H	m	m	m	m	m	m	H	m	H	m	H	H	H	H
c. Consultation	H	H	m	H	m	H	m	H	m	m	m	H	H	Q	m
d. Government Records	H	m	m	m	m	m	m	m	H	m			H	Q	m
e. Nongovernment Documents (content analysis)	m	m	m	H	H	H	m	H	H	H			H	Q	m
f. Participant Observers	m	m	m	H	Q	Q	Q	Q	H	Q		H	H	H	H
g. Surveys	H	H	H	H	H	m	m	H	H	m	H	m	H	m	H
TECHNIQUES															
1. Legal															
a. Arbitration	H	H	H	m	H	m	m	H	H	Q	m	H	H	H	H
2. Psychological															
a. Mediation	H	H	H	H	H	m	m	H	H	m	m	H	H	H	H
b. Coordinator/Catalyst	H	m	H	m	m	m	m	H	H	m	m	H	H	H	H
c. Plural (advocacy) Planning	H	H	H	m	m	m	m	m	m	m	m	H	H	m	H
d. Group Dynamics	H	H	H	m	m	H	H	H	m	H	m	H	H	H	H
e. Focused Group Discussion (panels)	H	H	H	m	m	H	H	H	m	H	m	H	H	H	H
f. Policy Capturing	H	H	H	H	H	m	m	H	m	Q	m	H	H	H	H
g. Policy Delphi	H	H	H	H	H	m	Q	Q	m	m	m	H	H	H	H
h. Priority Setting	H	H	H	H	H	H	H	H	m	H	m	H	H	H	H
i. Design-In	H	H	H	m	m	Q	Q	Q	Q	Q	m	H	H	H	H
j. Game Simulation	H	H	m	H	m	Q	Q	Q	Q	Q	Q	H	H	H	H
3. Technological															
a. Interactive Cable TV	m	m	m	m	m	Q	m	H	H	m	H	m	H	m	m
b. Teleconferencing by Computer	m	H	H	m	m	Q	m	H	m	m	m	H	H	m	H
c. Real Time Computer Polling and Feedback	m	H	H	m	m	Q	m	H	m	m	m	H	H	m	H
d. Interactive Computer Graphics and Game Simulation	m	m	H	m	m	Q	m	H	m	m	m	H	H	m	H

Table 3-7 (cont.)

MAJOR FEATURES OF THE VARIOUS FORMS, TECHNIQUES, AND MEANS OF FACILITATING CITIZEN PARTICIPATION

FEATURES of Forms, Techniques, and Means of Facilitating Citizen Participation / **FORMS, TECHNIQUES AND MEANS OF FACILITATING** Citizen Participation	Political Acceptability*					Feasibility*					Productivity*				
	1. Fair/Inclusive	2. Responsible/Accountable	3. Credible (Manipulable)	4. Maintains (Shifts) Political Power	5. Deals with "Acceptable" Issues	1. Cost**	2. Time Required	3. Timeliness	4. Convenience for Citizens	5. Understandability of Methods and Issues (need for special training, equipment, legal authorization)	1. Ability to Attract Citizens	2. Intensity and "Worth" of Involvement	3. Ability to Yield Unique Information, Issues, Ideas, and Viewpoints	4. Ability to Resolve (Polarize) Issues	5. Validity and Reliability of Method and of Information Produced
MEANS OF FACILITATING															
1. Simplify and Clarify the Process	H	H	H	m		H	H	H	H	H	H	H	H	H	H
2. Provide Citizen Participation Training to:															
a. Citizens	H	H	H	m		m	m	m	H	H	m	H			
b. Public Officials and Staffs	H	H	H	H		H	m	m	H	H		H			
3. Provide Citizen Participation and Related Staff to:															
a. Citizen Groups	H	H	H	Q	Q	m		H	H	H	H	H	H	H	H
b. Certain Individual Citizens	H	H	H	Q	Q	m		H	H	H	H	H	H	H	H
4. Provide Technical Assistance to:															
a. Citizen Groups	H	H	H	m	m	m	m	H	H	H	H	H	H	H	H
b. Certain Individual Citizens	H	H	H	m	m	m	m	H	H	H	H	H	H	H	H
5. Provide Economic Assistance and Incentives for Citizens to Participate															
a. Cost Reimbursement	H	H	H	m		m			H		H				
b. Honoraria	H	H	m	H		m			H		H				

*H = Highly politically acceptable, feasible or productive. Q = Questionable acceptability, feasibility or productivity.
m = Moderately acceptable, feasible or productive. Blank = Not applicable.

**Costs are quite variable for most forms and techniques of citizen participation, often depending upon how seriously pursued and facilitated. Entries in this column assume reasonable diligence, and reflect only general estimates of relative cost.

SOURCE: ACIR staff compilation based principally upon: U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, U.S. Government Printing Office, 1976.

upon which to move rather slowly. Cost factors also may be raised in connection with these means of citizen participation facilitation.

SUMMARY

In summary, these ratings show that there are many politically acceptable, productive, and feasible citizen participation practices which may be used in combination to help improve and enhance public acceptance of public decisions, programs, projects, and services, to help participants protect their own rights and interests, and to ensure that governments act responsively, responsibly, and accountably. Thus, it would appear that despite budgetary and time constraints, a productive and acceptable citizen participation process can be developed where there is a will to do so.

CITIZEN PARTICIPATION AT THE VARIOUS LEVELS OF GOVERNMENT

Contrary to popular belief, citizen participation is a universal feature of government at all levels in the United States. The following paragraphs elaborate upon this finding, but also show that the practice of citizen participation varies from one level of government to another.

The Universality of Citizen Participation

Table 3-8 shows that a substantial amount of citizen participation is found at every level of government in the United States, and in every branch of those governments. Despite lapses in the practice of citizen participation at particular times and places, the American system of democracy is based upon theories of openness and involvement, and continues to move toward such ideals in actual practice. The jury system in the judiciary, and the campaigning, voting, and lobbying processes in the two political branches permeate the federal, state, and local levels of government. Beyond that, public information programs and hearings are widely used by all three levels, and by both the executive and legislative branches.

When one stops to think of such matters, these revelations are not surprising. However, the common conception of citizen participation often has been the "town meeting" where all citizens attend and their direct participation and vote decides public issues without intermediaries. Nothing less than participation by 100% of the citizens, and their high intensity and well informed involvement, suffices to fulfill this common conception. Obviously, such participation is possible only in small local jurisdictions, where travel distances, physical accommodations, and a high level of commitment to self-government by all the people in the area permit such processes. It should be obvious, also, that such participation seldom if ever is actually achieved, even in such local jurisdictions. Nevertheless, this popular conception is so ingrained in American experience, that anything less is often labeled as pseudo-participation. In part, it is this idealization which leads to the myth that effective citizen participation can be sought only at the local levels of government.

Actually, there may be great variations at all levels of government (including local) in the proportions of people involved, in the intensity and frequency of their involvement, and in the purposes and forms of their involvement. When one actually looks into the practice of citizen participation in the United States, it becomes readily apparent that any level of government is likely to use almost any form or technique of participation on one occasion or another. For example, in September 1978, the United States Congress installed a hot-line and stationed a battery of Congressmen at the phones to receive calls from all over the country from ordinary individuals wishing to place their views in front of the Congress. President Carter had used a similar technique months earlier, along with a series of town meetings at which he appeared in various parts of the country to respond to citizen's questions. Showmanship or not, in these individual cases, it is obvious that the mere size of government is not necessarily a barrier to providing citizens with direct access. The state and federal governments now are using many means of consulting their constituents directly on major policy issues and on many administrative issues as well, though distance, cost, and familiarity with procedures can be factors that inhibit folks who are not organized.

Variations in Citizen Participation Among the Levels of Government

Of course, there are differences in citizen participation efforts at the various levels of government. *Table 3-8* shows, for example, that

Table 3-8

LEVELS OF GOVERNMENT USING VARIOUS CITIZEN PARTICIPATION FORMS, TECHNIQUES, AND MEANS OF FACILITATION—BY FREQUENCY OF USE*

LEVELS AND PROCESSES of Government / FORMS, TECHNIQUES, AND MEANS OF FACILITATING Citizen Participation	Federal Government				State Government				Local Government				Regional Governmental Organizations	
	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Program Operations
FORMS														
1. Organizational														
a. Citizen Groups	s	s	s	G	s	s	s	G	G	G	G	G	G	G
b. Special Interest Groups	G	G	G	G	G	G	G	G	G	G	G	G	G	G
c. Specific Program Clientele Groups	G	G	G	G	G	G	G	G	G	G	G	G	G	G
d. Official Citizen Committees, Task Forces, and Commissions	s		s	s	s	s	s	s	G	s	s	s	G	s
2. Individual														
a. Voting						s				s				
b. Being a Program Client	s	s	s	G	s	s	s	G	s	s	s	G	s	G
c. Making Statements	G	G	G	G	G	G	G	G	G	G	G	G	G	G
d. Attending Meetings	s		s	G	s	s	s	G	G	G	G	G	G	G
e. Working in Public Projects				s				s				s		s
f. Campaigning/Lobbying	G	G	G	G	G	G	G	G	G	G	G	G	s	s
g. Court/Administrative Appeals		s	s	s		s	s	s		s	s	s	s	s
h. Demonstration	s	s	s	s	s	s	s	s	s	s	s	s	e	e
3. Information Dissemination														
a. Open Government	G	G	G	G	G	G	G	G	G	G	G	G	G	G
b. Special Public Information Meetings	s		s	G	s		s	G	G		G	G	G	G
c. Conferences	s		s	s	s	s	s	s	s	s	s	s	s	s
d. Publications	G	s	s	G	G	s	s	G	G	s	s	G	G	G
e. Mass Media	G	G	e	G	G	G	e	G	G	G	e	G	G	G
f. Displays/Exhibits/Etc.				s				s	s			s	s	s

109

110

g. Mail		s	e	G	e	s	e	G	s	s	e	G	s	G
h. Advertising/Notices			G	s			s	s				s		s
i. Hot Lines		e		s				s				s		s
j. Drop-In Centers					e				e				e	
k. Correspondence	G	G	G	G	G	G	G	G	G	G	G	G	G	G
4. Information Collection														
a. Hearings	s	G	s	s	G	G	s	s	G	G	G	G	s	s
b. Workshops, Meetings and Conferences	s	s	s	s	s	s	s	s	G	G	G	G	G	G
c. Consultation	G		G	G	s	s	s	s	s	s	s	s	s	s
d. Government Records	G	G	G	G	G	G	G	G	G	G	G	G	s	G
e. Nongovernment Documents (content analysis)	G	G	G	s	G	G	G	s	G	G	G	s	G	s
f. Participant Observers									e					
g. Surveys	s	s	e	s	s	s	e	s	s	s	s	s	s	s
TECHNIQUES														
1. Legal														
a. Arbitration														
2. Psychological														
a. Mediation														
b. Coordinator/Catalyst					e				e				e	
c. Plural (advocacy) Planning					e		e	e	e					
d. Group Dynamics	s		s	s	s		s	s	s	s	s	s	s	s
e. Focused Group Discussion				e		e		e						
f. Policy Capturing	e				e				e				e	
g. Policy Delphi	e								e				e	
h. Priority Setting														
i. Design-In					e				e				e	
j. Game Simulation	e				e				e				e	
3. Technological														
a. Interactive Cable TV									e					
b. Teleconferencing by Computer														
c. Real Time Computer Polling and Feedback					e									
d. Interactive Computer Graphics and Game Simulation									e				e	

Table 3-8 (cont.)

LEVELS OF GOVERNMENT USING VARIOUS CITIZEN PARTICIPATION FORMS, TECHNIQUES, AND MEANS OF FACILITATION—BY FREQUENCY OF USE*

LEVELS AND PROCESSES of Government / FORMS, TECHNIQUES, AND MEANS OF FACILITATING Citizen Participation	Federal Government				State Government				Local Government				Regional Governmental Organizations	
	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Legislation	3. Administrative Rule-Making	4. Program Operations	1. Policy Development	2. Program Operations
MEANS OF FACILITATING														
1. Simplify and Clarify the Process	s		s		s		s		s		s		s	
2. Provide Citizen Participation Training to:														
a. Citizens													e	
b. Public Officials and Staffs	e		e	s									e	
3. Provide Citizen Participation and Related Staff to:														
a. Citizen Groups									e				e	
b. Government Agencies	e	s	e	s	e	s		s		s		s	s	s
4. Provide Technical Assistance to:														
a. Citizen Groups	s		s	s	s		s	s	s		s	s	s	s
b. Certain Individual Citizens				s				s				s		s
5. Provide Economic Assistance and Incentives for Citizens to Participate														
a. Cost Reimbursement	s	s	s	s	s		s	s	e		e	e	e	e
b. Honoraria	s		s	s					e		e	e		

*G = Generally used.
s = Sometimes used.
e = Experimentally or infrequently used.
Blank = Not used.

SOURCE: ACIR staff compilation principally based upon: Cogan & Associates, *Techniques of Public Involvement*, State Planning Series 11. Washington, DC, Council of State Planning Agencies, 1977; U.S. Community Services Administration, *Citizen Participation*, Washington, DC, 1978; and U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, U.S. Government Printing Office, 1976.

somewhat more forms of citizen participation are used by local governments on a fairly general basis than is true of other levels. However, regional governmental organizations are a close second, and the state and federal governments are not far behind.

Not apparent from this table, but perhaps of even greater significance, are two other differences. First, participation is likely to be more frequent, and exercised at more different stages of a governmental activity at the local level, or in regional organizations, than at the state and federal levels. Second, the proportion of people actually involved from the total population tends to be greater, the lower the level of government, and this, of course, better approximates the citizen participation ideal.

A corollary to this second point is that the screening of participants necessarily is greater for participation at higher levels of government, and organizational representation is relied upon more (instead of individual participation) as the size of government increases. For example, anyone who shows up at a local public hearing and desires to speak, usually is allowed to do so. Sometimes this is even true in state legislative hearings. But at the national level, those to be heard by a Congressional committee, or by a federal administrative hearing panel or hearing officer, usually are only those who have been invited because of their special knowledge of the topic or possession of some other special qualifications. The greater pressures of time at the higher levels of government demand this type of screening, and tend to reduce the length of time and intensity of contact, and the degree of interaction among the various interested parties at the upper levels of government. Nevertheless, the contacts are there, and they may be elaborated upon in appropriate cases.

At all three levels of government, the number of different forms of citizen participation tend to be greatest in the policy formulation process (including planning) and in program operations. There is somewhat less variety in the legislative process (where hearings are the mainstay) and in administrative rulemaking (which has been largely a matter of negotiation between administrators and special interest groups until recent "open government" and consultation provisions broadened the process). None of the levels of government are using special interactive techniques of participation or facilitation methods on a general basis, although some local governments and some regional governmental organizations do provide a substantial amount of across-the-board assistance for participation.

CHARACTERIZATION OF CITIZEN PARTICIPATION AT EACH LEVEL OF GOVERNMENT

While any attempt to characterize citizen participation at any particular level of government runs the risk of oversimplification, it is worthwhile to offer such characterizations to help crystalize a general feeling about the processes which are underway.

LOCAL GOVERNMENT

At the local level, there is likely to be a citizen planning commission to advise on physical development matters, assorted temporary study commissions dealing with a variety of topics which change from time to time, numerous public hearings held by the local governing body on everything from animal control to zoning, and numerous citizens' associations and interest groups (like the Chamber of Commerce and the League of Women Voters) ready and willing to appear at almost any hearing on relatively short notice. Local planning commissions frequently hold open work sessions, and occasionally sponsor workshops and conferences in connection with major revisions of their community's plan for physical development. Special committees of local residents and businessmen may be established to assist in detailed planning of small areas within the jurisdiction.

REGIONAL ORGANIZATIONS

Regional governmental organizations, such as a metropolitan council of governments or rural area regional planning council, may have a formal set of citizen advisory committees, one to advise them on each type of policy being developed. Frequently, such committees are a requirement of federal aid. Conferences and workshops for the general public may be held at appropriate points in the development of major plans, and formal hearings may be held at several locations in the region to give citizens an opportunity to be heard before policies are adopted. Citizens also may have an opportunity to advise on the review of specific projects at the time they are being funded (specially if federal funding is being proposed).

STATE GOVERNMENT

At the state level, temporary citizen committees, or committees composed of both private citizens and public officials, frequently are established to study and make recommendations about major issues. Sometimes such committees are established by the Governor, and sometimes by the legislature.

With respect to legislation, the legislature usually holds hearings on proposed bills, but frequently participation is rather limited. Often, this participation includes only executive branch personnel and other parties with special interests. Sometimes, however, such hearings are completely open.

On other matters, a few states now have regular publications providing official notice of administrative rulemaking, comparable to the federal register. Also, in recent years, many states have pursued "goals projects" in which many hundreds of citizens have been involved throughout the state in establishing goals and objectives for the future development and governing of the state.

THE FEDERAL GOVERNMENT

At the federal level, Congress and the President each have established national study commissions from time to time as temporary bodies to make specific studies or develop policy recommendations on specific issues. In 1979, for example, there was a national study commission on transportation policy, and another on neighborhoods. Special White House conferences also are held from time to time for similar purposes. A national study commission may be composed of a mixture of one or two dozen private citizens and public officials, while a White House conference frequently involves a large group of people (perhaps numbering several hundred) who collectively are more fully representative of a cross-section of the nation or of some major constituency.

The national legislative process is based upon hearings, and receives a great deal of press coverage. National organizations lobby both the legislative and Executive Branches during the legislative process. Congress and the Executive Branch both are opening many more of their national policy deliberations to public view.

Even administrative rulemaking in the federal government is becoming much more openly consultative. Under the *Freedom of Information Act* and recent executive orders, draft regulations are being published in the *Federal Register*, with 30 to 60 day comment periods, associated meetings and hearings, and other means of eliciting comments and debate upon the merits of the proposals.[19]

These "typical participation processes" only scratch the surface of what is actually taking place at every level of government. They are enough, however, to indicate that citizen participation has its place throughout the American federal system.

FOOTNOTES

[1] The most useful published sources used in this analysis are: Robert A. Aleshire, "Planning and Citizen Participation: Costs, Benefits, and Approaches," *Urban Affairs Quarterly*, Vol. 5, No. 4, Beverly Hills, CA, Sage Publications, June 1970, pp. 369-93; Sherry R. Arnstein, "A Ladder of Citizen Participation," *Journal of the American Institute of Planners*, Vol. XXXV, No. 4, Washington, DC, American Institute of Planners, July 1969, pp. 216-24; Edmund M. Burke, "Citizen Participation Strategies," *Journal of the American Institute of Planners*, Vol. XXXIV, No. 5, Washington, DC, American Institute of Planners, September 1968, pp. 287-94; Cogan & Associates, *Techniques of Public Involvement*, State Planning Series 11, Washington, DC, Council of State Planning Agencies, 1977; Melvin Mogulof, *Citizen Participation: A Review and Commentary on Federal Policies and Practices*, Washington, DC, The Urban Institute, 1970; Nelson M. Rosenbaum, *Citizen Involvement in Land Use Governance: Issues and Methods*, Washington, DC, The Urban Institute, 1976; U.S. Community Services Administration, *Citizen Participation*, Washington, DC, 1978; and U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, Washington, DC, 1976.

[2] U.S. Department of Transportation, *Effective Citizen Participation in Transportation Planning, ibid.*

[3] For example, see Cogan & Associates, *op. cit.*, pp. 7-10; U.S. Department of the Interior, National Park Service, *Public Involvement in Planning*, Washington, DC, U.S. Government Printing Office, August 1978, p. 17; and Howard W. Hallman, *Citizen Involvement in the Local Budget Process*, Washington, DC, The Center for Community Change, August 1978, pp. 16-32.

[4] See, for example, the sources cited in the first footnote of this chapter.

[5] *Ibid.*

[6] Robert K. Yin, *Participant-Observation and the Development of Urban Neighborhood Policy*, Report R-962 of The New York City-Rand Institute, Springfield, VA, National

Technical Information Service, May 1972.

[7] B. Douglas Harman, "City Planning Agencies: Organization, Staffing, and Functions," in International City Management Association, *Municipal Year Book: 1972*, Washington, DC, 1972, Table 4/2, p. 56.

[8] Such committees are required (as of 1977) at the local level by 53 federal aid programs, at the state level by 34, and at the federal level by 29. Advisory committees are the most frequently required citizen participation mechanism in federal aid programs. ACIR staff compilation based upon Community Services Administration, *Citizen Participation*, San Jose, CA, Rapido Press, 1978.

[9] Howard W. Hallman, *Small and Large Together: Governing the Metropolis*, Beverly Hills, CA, Sage Publications, 1977, pp. 113-26.

[10] Hallman, *Citizen Involvement in the Local Budget Process*, *op. cit.*, pp. 42-44.

[11] Hallman, *Small and Large Together: Governing the Metropolis*, *op. cit.*, pp. 119-20.

[12] See *Chapters 2 and 5* for more detail.

[13] Ombudsmen have been created in the states of Hawaii, Illinois, Iowa, Kansas, Montana, Nebraska, North Carolina, Ohio, Oregon, and South Carolina, in the Connecticut prison system and the Massachusetts Division of Employment Security, and in such cities as Buffalo, Dayton, Erie, Kansas City, Newark, Oakland, and Wichita. See U.S. Department of Transportation. *Effective Citizen Participation in Transportation Planning*, Volume II, *A Catalog of Techniques*, op. cit., p. 151.

[14] National Advisory Commission on Criminal Justice Standards and Goals, *Courts*, Washington, DC, U.S. Government Printing Office, 1973, pp. 250-86; ACIR, *State Legislative Program, Part 10, Criminal Justice*, Washington, DC, U.S. Government Printing Office, 1975, pp. 85-87.

[15] This table, of course, does not pretend to cover the varying dynamics in all situations, nor the intensity of the social groups' involvement, nor does it suggest that all officials or citizens in each category are involved to the same degree.

[16] von Neumann and Morgenstern, *Theory of Games and Economic Behavior*, New York, Wiley, 1944.

[17] See *Chapter 2*.

[18] U.S. Department of Transportation, Federal Highway Administration, *Effective Citizen Participation in Transportation Planning*, Vol. II, *A Catalog of Techniques*, *op. cit.*

[19] The most recent executive order on this topic (No. 12044) was signed by President Carter on March 23, 1978.

Chapter 4

Citizen Participation in the Administration of Federal Programs

With the growth of the national government as the dominant partner in the federal system and its increasing impact on the national polity and economy, the extent and content of citizen involvement in the administration of federal programs have become matters of growing concern. This concern is directed at the federal government's dual but overlapping roles of administering programs directly and prescribing and overseeing states' and localities' administration of federally assisted programs.

This chapter examines the development and status of citizen participation at the federal level, first, in the administrative process generally but with major emphasis on direct federal programs, and second, in the administration of federal grants-in-aid to state and local governments. These are preceded by a brief tracing of the evolution of policy on public involvement in federal administrative processes.

THE EVOLUTION OF POLICY ON CITIZEN PARTICIPATION IN FEDERAL ADMINISTRATION

Until 1946, federal departments and agencies generally determined their own policies and practices on involving citizens in program administration, independent of any general policies established by Congress or the President. This meant wide variation throughout the government in the manner and degree in which citizens were consulted, heard, and informed on administrative actions. More important, it meant that there were no minimum standards of assurance that the public would have an opportunity to have access to the administrative decisionmaking process.

The Administrative Procedures Act

In 1946, for the first time, a governmentwide policy on public involvement in federal programs was promulgated.[1] After more than ten years of study and debate by various public and private bodies, including President Franklin D. Roosevelt's Committee on Administrative Management, over the problems of due process in the growing reliance on administrative agencies,[2] Congress enacted the *Administrative Procedures Act* (APA).[3] Its basic effect was to establish minimum standards of administrative procedures for federal agencies. The APA required that an agency provide for public notice and comment during rulemaking, offer opportunities for group representation during trial-type hearings (adjudications) or during quasi-judicial rulemaking "on the record," and when appropriate, hold public hearings, at its discretion, on other matters.

The APA was a big step forward in establishing governmentwide a minimum standard of practice for public involvement, yet it still left considerable discretion in the hands of federal administrators and much of the initiative to citizens themselves. It reflected the philosophy that "responsibility for initiating involvement largely rested with the public; involvement was to be confined to specified forms at limited points in administrative proceedings (usually late in policy development); and the public was left to its own resources in attempting to apprehend the substance and procedure attending important decisions. In effect, if not by intent, it confined the mobilized public largely to middle and upper-class organized interests able to obtain the legal counsel usually required for effective intervention under these conditions."[4]

The Right to Participate

President Lyndon B. Johnson's Great Society programs brought a significant shift in approach. In the *1964 Economic Opportunity Act*, Congress mandated that the Office of Economic Opportunity (OEO) achieve "maximum feasible participation" among the poor in its community action programs.[5] This was followed in 1966 by the *Demonstration Cities and Metropolitan Development Act*[6] which required that HUD achieve widespread participation among those affected by its program grants.

In a similar spirit, Congress took a significant step to open up the administrative process in the entire federal bureaucracy. It amended the *Administrative Procedures Act* with the *Freedom of Information Act*, requiring that all governmental agencies, upon request, provide the public with papers, opinions, records, policy statements and staff manuals.[7]

The OEO and HUD programs "departed substantially from the traditional APA approach to participation: agencies apparently were obliged to encourage involvement among 'target' populations of the poor."[8] OEO and HUD, in any case, interpreted the legislation that way, although as it turned out that may not have been what the Congressional sponsors had in mind. "Sponsors of the OEO legislation, for instance, thought of 'maximum feasible participation' largely as 'a nice sentiment and a means of giving the administrator of the program power to prevent segregation of community action programs.'"[9] Under the barrage of controversy and criticism arising from the unexpected impact of the participation of the poor in program development, both programs were eventually cut back, but not until an important principle had been established: Congressional recognition of the right of participation by people who are directly affected by public programs—"participation was now a right rather than a privilege."[10]

Broadening the Emphasis

Congress enacted a cluster of new programs in the late 1960s and early 1970s continuing the assumption of a right to participation, but with a different application. The concept of affirmative agency responsibility to encourage public participation was retained but usually without specifying a "target" population. Also, although the standard of "maximum" or "widespread" participation was not applied in new programs, it was assumed that most aspects of agency planning were open to public involvement. These new programs affect the whole population and are not aimed specifically at the poor, as in the case of OEO and HUD. "The programs imply public involvement at many stages of policy planning through many techniques, and thus procedures are presumably open-ended in method and administrative locus."[11] Another significant change is that the authorizing statutes are not very specific in defining the operating meaning of this kind of involvement, consequently giving federal administrators considerable leeway in implementation.

Rosenbaum finds the prototype of this Congressional approach in the *Federal Water Pollution Control Act Amendments of 1972:*

> Public participation in the development, revision and enforcement of any regulation, standard, effluent limitation, plan or program established by the Administrator, or any state under this act shall be provided for, encouraged and assisted by the Administrator and the states. . . .[12]

Similar provisions multiplied, by legislation or regulation, so that they became "a new federal house style." According to the ACIR staff survey of citizen participation in federally assisted programs (see discussion later in this chapter), 78% of all the public participation programs were created during or after 1970 and about 75% of programs in which participation implicitly or explicitly permits a broad range of modes, locations, and publics within agency activities were created during or after 1970. The proportion of all participation programs aimed at a general public and involving open-ended means has increased steadily in recent years, according to Rosenbaum.[13]

The Sunshine Act

The most recent action by Congress in enunciating general policy on public participation at the federal level has been more back toward the 1946 APA approach. In 1977, it passed the *Government in the Sunshine Act*,[14] requiring about 50 multimember federal agencies to conduct their business regularly in public session. The effect is to require regulatory agencies, advisory committees, the Postal Service, and certain other independent agencies—but not cabinet agencies—to open all their meetings to the public unless a majority votes otherwise. Closed meetings are permitted for only ten specified reasons, and certain notice and publication requirements must be met for those sessions. The law also prohibits informal, *ex parte* communication between agency officials and representatives of organizations with which agencies do business.

While this law further expands the public's right of access, it is more closely allied to the APA approach in placing the responsibility for initiating and maintaining involvement on the affected publics.

CITIZEN PARTICIPATION IN THE FEDERAL GOVERNMENT'S OWN ACTIVITIES

At the present time, then, minimum standards for public participation in the decisionmaking of all federal agencies are set forth in the *Administrative Procedures Act*. The freedom of information section of the act[15] provides that, except for matters concerning national security, internal personnel rules and practices, and subjects specifically exempted by law, each agency must make available certain information on agency rules, opinions, orders, records and proceedings; specifies what must be published in the *Federal Register* and/or made available for public inspection and copying; requires publication of fee schedules for obtaining copies of agency documents; and requires recording for public inspection of the final votes of every agency proceeding. The Government in the sunshine section[16] requires multimember federal agencies to open up their meetings to public view.

The rulemaking section[17] sets forth the required procedure for making a rule, which is defined in part as "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." General notice of proposed rulemaking must be published in the *Federal Register*. After notice, the agency must give interested persons "an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation." Final publication of the rule generally must be no less than 30 days before the effective date.

The obligation to provide opportunities for participation under the informal rulemaking procedure leaves much to the agency's own discretion. It can select from a variety of procedures: informal hearings, with or without a verbatim record, conferences, consultation with advisory committees or interested individuals, the submission of written views, or any combination of these. No formal record is required in any case, so the agency does not have to base its decisions on anything the public has advocated.

Under the formal rulemaking procedure specified in sections 556 and 557 of the APA, an agency's options in assuring public involvement are closely circumscribed. This procedure is required when formal hearings are prescribed by statute and is of chief concern to the independent regulatory commissions. It is, of course, far less commonly used than the informal process. An agency is required to maintain a concise record containing all evidence entered on the record, including agency findings and conclusions on material issues of fact and law. The agency must base a rule on the evidence that appears in the record. An interested party can participate only by appearing before the agency in an "on-the-record" hearing. Obviously, a formal hearing is less susceptible to widespread citizen participation in an agency's decision process in view of the problems of technical expertise and cost involved.[18]

Beyond the governmentwide requirements of the APA, individual agencies' responsibilities for ensuring citizen participation are set forth in statutes applying specifically to their programs, as in the case of the *Federal Water Pollution Control Act* (FWPCA) cited earlier, or the *Indian*

Health Care Improvement Act. The latter mandates the Secretary of HEW to "consult with various national and regional Indian organizations to obtain their views on the formulation of rules and regulations."[19] As in the case of the FWPCA, many of these program-specific requirements are found in programs of federal grants-in-aid to state and local governments. Since they generally place public participation mandates on the recipient jurisdictions as well as the federal agency, they are dealt with more fully in the latter part of this chapter.

Finally, in the *Federal Advisory Committee Act*,[20] Congress required that advisory committees make their proceedings accessible to the public, much along the lines that the APA opens up departmental and agency decisionmaking. Meetings must be open to the public, timely notice must be published in the *Federal Register*, interested persons must be permitted to attend, appear before, or file statements with any committee, and records and other documents must be made available, subject to the limitations of the *Freedom of Information Act*.

The Level of Federal Performance

How far beyond the minimums set forth in the *Administrative Procedures Act* have federal agencies progressed in involving citizens in their decisionmaking? This is a difficult, if not impossible, question to answer with any precision and detail at this point. First of all, a reasonably complete inventory of current citizen participation practices in federal agencies does not exist. Second, the art of evaluating citizen participation is at an early stage of development. Yet, a number of official and semi-official efforts in the past few years do shed partial light on the general issue. Each has its own objectives which influenced its separate approach, findings, and conclusions. Reports on two such efforts are summarized below: by the Federal Interagency Council on Citizen Participation and by the Senate Committee on Governmental Affairs. The former looked at citizen participation in federal administration generally; the latter focused on the independent regulatory commissions.

THE FEDERAL INTERAGENCY COUNCIL ON CITIZEN PARTICIPATION

The interagency council was organized in 1976 by staff members responsible for various citizen participation programs in a range of federal departments and agencies. Its purpose is "to foster the development and exchange of ideas, techniques, and experiences that will enhance the effectiveness of citizen participation in government decisionmaking and increase the responsiveness of government decisionmakers to the people."[21] The council held a conference in December 1976, the published proceedings of which "concentrates on actions the federal government can take to solve public and agency problems in achieving meaningful citizen participation." As the council's statement of purpose indicates, the report's contents would reflect the viewpoint of persons with a prime function of promoting citizen participation at the federal level.

The report looked at problems in citizen participation from two perspectives: government constraints in working with the public and public constraints in working with the government. Pertinent here are the first: constraints on the government. Five basic problems are identified, with "indicator statements" as supporting evidence and a list of "possible remedies."

1. Citizen participation authority and responsibility for government agencies are often unclear, deficient, fragmented or nonexistent. Among the 27 "indicator statements" supporting this conclusion are: the lack of consistency and coordination among agencies; the lack of consistent definitions of "consumer" and "citizen participation" in the decision process; faulty statutory delegation of organizational responsibility and authority; legislative bias toward specific publics; and OMB control and obstruction of surveys and questionnaires.

Among the eight "possible remedies" suggested: enact legislation that makes citizen participation an integral part of the responsibilities of all agencies in all programs. OMB and the General Accounting Office should immediately assess the programs established for citizen participation under existing authority. Establish a process through which existing and proposed statutory and executive requirements can be reviewed governmentwide for greater coordination and unification of federal policy.

2. Agency resources (personnel, expertise, fundings, organization) for better execution of citizen participation are weak when compared with other agency responsibilities. Some of the

19 "indicator statements:" unrealistic time priorities; inconsistency governmentwide on the organizational structure, staffing, and funding for citizen participation programs; inadequate funding for existing authorities—A-95, NEPA.

Some of the ten "possible remedies": OMB should issue directives formally making citizen participation a major, visible item in each agency's planning, programming, budgeting, and evaluation processes. The administration should identify citizen participation as a high priority item for resource allocation. Sufficient time should be provided in the decision process for meaningful citizen participation.

3. The policy, commitment, and initiative of agency leadership on citizen participation in the decisionmaking process have been of significantly uneven quality and priority. Among the 25 "indicator statements:" agency leaders and management don't feel accountable for citizen participation in their functions; some leaders see citizen participation as a threat to their authority, professionalism and decisionmaking power; a double standard often exists under which leaders officially endorse citizen participation but unofficially condemn it; leaders sometimes feel "they know what is best" for the public.

Some of the six "possible remedies:" use a proven record in citizen participation as a major criterion for hiring agency leaders. Use leaders' records in citizen participation as a formal criterion in performance evaluation. Provide special awareness training in citizen participation to agency leaders.

4. The planning, execution, and evaluation of citizen participation programs are poor and often well below the known state-of-the-art acceptability. Some of the 27 "indicator statements:" inability to develop or recognize an effective and fair process for all interests, including the general public; lack of ability to reliably identify affected public segments on a decision; lack of relevant and sustained research in citizen participation; lack of knowledge of, and about, citizen groups.

The two "possible remedies:" provide adequate training programs for government employees responsible for citizen participation. Establish a central resource file of significant programs, publications, training materials, and statutory requirements related to citizen participation.

5. Agency policy and practice in citizen participation processes are unresponsive to real needs and priorities of a large segment of the public. Some of the 18 "indicator statements:" the classic erroneous assumption that a lack of public response is always due to apathy; lack of feedback; failure to perceive public predisposition or social/cultural problem, i.e., a sense of futility by the public.

Among the seven possible remedies: address public's failure to receive information by identifying who needs it and by getting it to them. Don't overkill citizen participation—when people cannot become involved, don't push them.

SENATE REPORT ON PUBLIC PARTICIPATION IN REGULATORY AGENCY PROCEEDINGS

In 1976 and 1977 the Senate Committee on Governmental Affairs studied various aspects of the administrative procedures followed by federal regulatory agencies. The third of its six-volume report dealt with citizen participation.[22] While the findings and recommendations are directed at the regulatory agencies, they also have some bearing on citizen participation issues governmentwide.

Among the major findings reflecting on the adequacy or inadequacy of citizen participation were the following:

- At agency after agency, participation by the regulated industry predominates. Organized public interest representation accounts for a very small percentage of participation before federal regulatory agencies.
- The single greatest obstacle to active public participation in these proceedings is the lack of financial resources by potential participants to meet the great costs of formal participation. The regulated industry consistently outspends public participants by a wide margin. Lack of resources limits participant groups' ability to hire technical expertise. Large administrative costs, such as fees for transcripts and reproduction of required materials, inhibit their participation.
- Delay is particularly burdensome to participating citizen groups.
- Potential public participation is often

foreclosed by inadequate notice of pending proceedings.

- Some agency proceedings provide inadequate time for effective public participation.
- The Federal Trade Commission's program of providing compensation to certain participants in rulemaking proceedings, has allowed for the presentation of diverse viewpoints and information that otherwise would not have been presented.
- Most regulatory agencies do not sufficiently utilize the complaints they receive from the public in agency policymaking, nor do they utilize such complaints to inform the public about the performance of regulated industries and potentially dangerous products.
- Regulatory agency advisory committees have held closed meetings in important and unwarranted instances.
- Nearly all such committees seriously lack representation of consumer and other broad public interests.
- Agency rules and regulations are frequently obsolete, conflicting, confusing, or obscure.

Committee recommendations were addressed to these and other findings. Among the proposed remedies are:

- Regulatory agencies should actively solicit the views of the widest possible public in all rulemaking and adjudicatory proceedings with significant and wide-reaching impact, including holding hearings in regions, on weekends, and in the evenings.
- Congress should establish an independent nonregulatory consumer agency that would: (1) have full intervention, participation, and appellate rights to advocate consumer interests before the federal agencies and the federal courts; (2) undertake studies and disseminate information of importance to consumers; (3) serve as a consumer complaint clearinghouse; (4) possess authority to obtain information needed to carry out its functions; and (5) have adequate funding to assume these responsibilities.
- Internal consumer advocate offices should be established within major federal ratesetting regulatory agencies. They should be statutorily established and separately budgeted to assure independence; have full powers of intervention and authority to seek judicial review; have consumer complaint handling responsibilities; and also be permitted to advise and assist independent groups who seek to represent broad interests.
- Congress should enact general legislation authorizing agencies to provide compensation to eligible persons for costs incurred in participating in agency rulemaking, ratemaking, licensing, and certain other proceedings. Until such general legislation is enacted, regulatory agencies should implement their own programs to compensate eligible participants in agency proceedings as appropriate.
- Each regulatory agency that normally receives complaints from the public should have a central complaint handling office.
- Agencies should remedy the lack of consumer and other public interest representation that now exists on most advisory committees.
- Congress should require regulatory agencies to review their rules and regulations, and eliminate or modify any conflicting, inconsistent, redundant, or inactive provisions. Rules should be clarified in simple, easy to understand language.

On January 31, 1979, Senator Abraham Ribicoff and 16 co-authors introduced S. 262, proposed legislation entitled, "The Reform of Federal Regulation Act of 1979." Based on the six-volume "Study on Federal Regulation" of the Senate Committee on Governmental Affairs, the legislation would specifically implement two of the above recommendations. It would require each federal agency to systematically review its rules to determine whether the need for the rules still exists and whether they should be rescinded, amended, or continued without change. It also would reconstitute and strengthen the Administrative Conference of the United States and empower it to provide financial assistance to persons for the costs of participation, including the cost of attorneys, transcripts and experts, in any agency proceeding or analysis involving a regulatory function in certain specified circumstances.[23]

Three Special "Institutional Remedies"

Several proposals in the Senate committee's report on federal regulatory commissions deserve further comment because they involve two "institutional remedies" that have functioned in one or more federal agencies and one that has been steadily advocated in Congress as far back as 1961. The first two are the office of public counsel and federal funding of public representation. The third is the office of consumer affairs. All three are likely to receive Congressional and Executive Branch attention in future efforts to improve public participation in the federal administrative process.

OFFICES OF PUBLIC COUNSEL

The Civil Aeronautics Board (CAB) and the Interstate Commerce Commission (ICC) have had experience with internal offices representing nonregulated interests affected by particular proceedings. The CAB's Office of Consumer Advocate had the distinction of being the only organizationally distinct consumer advocacy unit within a federal regulatory agency. With its origins in the consumer complaint section of the CAB Bureau of Enforcement, the Office was formally established by regulations in November 1974. It had the status of a party before the board, on an equal footing with other CAB bureaus and other parties. It was empowered to enter proceedings with no prior concurrence from any other CAB bureau or office. Its independence was limited, however. Without a statutory basis, it depended on other CAB bureaus for any action it proposed; it was not separately budgeted; and it did not have the right to seek judicial review of board decisions.[24]

The Office of Consumer Advocate has now been subsumed into a new, larger entity, the Bureau of Consumer Protection (BCP). The new bureau recombines the enforcement and consumer functions of the CAB into five different areas of responsibility: consumer protection, advocacy of consumer interests, maintenance of competition, procedural reform and consumer assistance. While consumer advocacy is thus no longer the responsibility of a separate entity, CAB feels that the reorganization has given public participation and representation greater emphasis.[25]

The Interstate Commerce Commission's Office of Rail Public Counsel is similar to the CAB's former Office of Consumer Advocate but with some important distinctions. It originated in the *Regional Rail Reorganization Act of 1973* which set up procedures for reorganizing the insolvent northeast railroads. The act created the Rail Services Planning Office (RSPO) and required the RSPO to employ attorneys and other staff necessary to protect the interests of communities and users of rail services which might not otherwise be adequately represented in the course of the reorganization. The ICC set up the Office of Public Counsel (OPC) within the RSPO to further this goal.

OPC activities did not involve adversary parties, adjudicatory hearings, or licensing or ratemaking proceedings. Rather, it monitored the reorganization, researched legal and technical problems, participated directly in proceedings, and, most importantly, maintained "outreach" efforts to promote and aid local communities' participation.

OPC's efforts yielded thousands of pages of oral and written testimony on the discontinuance of rail lines in the northeast. It represented affected interests that were not otherwise being represented through legal work and technical assistance.

OPC was transformed into the Office of Rail Public Counsel, a statutory office with wider responsibilities and independent status, by the *Railroad Revitalization and Regulatory Reform Act of 1976*. The office is a separate entity affiliated with the ICC but largely independent of the organizational hierarchy. The President appoints the director of the office, subject to Senate confirmation, and the office submits its budget requests directly to OMB and Congress concurrently. The office can become party to any ICC proceeding relating to rail service and may seek juridical review of such proceedings.

FEDERAL FUNDING OF PUBLIC REPRESENTATION

Direct compensation by the government for persons participating in regulatory agency proceedings has been increasingly urged as an essential way to facilitate public participation. A number of regulatory agencies have made such compensation after rulings by the Comptroller General that they possessed authority to do so, but the Federal Trade Commission (FTC) is the only agency now specifically authorized by statute to provide public funding for participants in all its rulemaking proceedings.[26]

FTC's authority was granted by the Magnuson-Moss *FTC Improvement Act*.[27] The act authorizes the commission to provide compensation to eligible persons for reasonable attorneys' fees, expert witnesses' fees, and other costs of participating in a rulemaking proceeding. Compensation may be provided to any person (1) who has, or represents, an interest (a) which would not otherwise be adequately represented in such proceeding, and (b) representation of which is necessary for a fair determination of the rulemaking proceeding taken as a whole, and (2) who is unable effectively to participate in such proceeding because such person cannot afford to pay costs of making oral presentations, conducting cross-examination, and making rebuttal submissions in such proceeding. In addition, the act does not provide compensation for persons bringing court challenges to FTC decisions.[28]

The CAB has developed a program for reimbursing public participation in board proceedings in certain situations that supplement the advocacy activities of the CAB's Bureau of Consumer Protection. In both 1979 and 1980, $150,000 are available for funding groups presenting unique "public interest" viewpoints in important proceedings at the board.[29]

In 1976 and 1977, a number of regulatory agencies undertook, or initiated plans to undertake, financial compensation to participants in rulemaking proceedings without specific statutory authority. These included the Nuclear Regulatory Commission, the Federal Communications Commission, the Consumer Product Safety Commission, the Food and Drug Administration and the National Highway Traffic Safety Administration of the Department of Transportation. The Comptroller General had ruled that the NRC and the FCC had inherent statutory authority to make such payments. When the Second Circuit Court of Appeals ruled against the exercise of such authority in a case involving the Federal Power Commission, however, the Comptroller General modified his previous opinion and recommended that explicit statutory sanction be sought as in the case of the FTC.[30]

In January 1977, Senator Edward Kennedy introduced S. 270, the "Public Participation in Federal Agency Proceedings Act of 1977," which became the focal point for debate over reimbursement for participants during the 95th Congress. It was not acted upon by that Congress.

A CONSUMER AGENCY

As long ago as 1961, Senator Estes Kefauver introduced a bill to establish a department of consumers to represent the economic interests of consumers. A similar bill to create a Cabinet-level department was introduced in 1965 by Representative Benjamin Rosenthal. Actual Senate consideration of institutional representation for consumer interests dates to March 1969 when the Subcommittee on Executive Reorganization began hearings on a bill to create a department of consumer affairs introduced by Senator Gaylord Nelson. The Nelson proposal would have made the department an advocate of consumer interests in government policymaking and in federal regulatory proceedings. It would have been a clearinghouse for consumer information and complaints and an umbrella agency under which certain existing regulatory functions would have been transferred.

Although there was widespread acceptance of the need for better administration of regulatory laws and better representation of consumer interests, most witnesses at the 1969 hearings opposed the creation of a department of consumer affairs with the sweeping scope of the Nelson proposal.[31]

Support for a separate Cabinet-level department waned and a variety of other proposals emerged during the 91st Congress. The debate focused not so much on the need for consumer representation as on the proper organizational setting for such a function. When consumer interests vigorously opposed the idea of having the proposed agency within the Executive Office of the President, interest shifted to a more narrowly focused advocacy office. In 1970 the Senate Government Operations Committee proposed that the consumer advocacy function be lodged in an independent agency. A bill to this effect passed the Senate but died in the House. Similar legislation passed the House by wide margins in both the 92nd and 93rd Congresses but failed in the Senate because of filibusters by the bill's opponents. In 1975, both houses approved a consumer agency bill. Yet, the House never sent the bill to the White House because President Ford threatened to veto it and the House backers felt they did not have enough votes for an override.

The bill received a boost in 1977 when President Carter announced his strong support and appointed a special assistant for consumer affairs to lobby for it. When this bill ran into trouble in the House, a watered-down version was unveiled providing for an office of consumer representation (OCR), an independent agency within the Executive Branch. It was killed after a two-day debate in February 1978.

The principal argument of opponents was that the agency would only be another layer of government bureaucracy without much influence on consumer problems, since its function was only representation, not regulation. Others argued that there is no single consumer interest, contrary to what seemed to be the basic premise of the proposal.[32]

Recent Administration Initiatives

The Carter Administration has launched a number of initiatives on citizen participation at the federal level responding to some of the problems identified in Congressional deliberations, the work of the interagency council, and elsewhere. On March 23, 1978, the President issued an executive order entitled "Improving Government Relations" directing agencies, among other things, to give the public "an early and meaningful opportunity to participate in the development of agency regulations." The order identified publication of advance notice of proposed rulemaking, holding of open conferences or public hearings, publishing notices of proposed regulations in publications likely to be read by those affected, and notification of interested parties directly.[33] In approving regulations, agency heads must determine that public comments have been considered and an adequate response has been prepared.

The executive order directed the agencies to review their existing processes for developing regulations, revise them as necessary, and publish a report on their actions in the *Federal Register*. By July 16, 1978, 34 agencies had published their reports, including the Departments of Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Justice, Labor, and Transportation, and Community Services Administration, the Environmental Protection Agency, the Veterans Administration, and the Water Resources Council.[34]

On another front, President Carter announced strengthening of the White House Office of Consumer Affairs and increasing its responsibilities, following defeat in Congress of the proposed bill for an office of consumer representation. He directed his special assistant for consumer affairs to represent the consumer point of view on domestic policy decisions and in the review of pending legislation, to survey federal agencies as a step toward assuring consumer involvement in agency decisionmaking, and to coordinate the activities of federal agency consumer programs.[35]

The special assistant's office undertook the survey in mid-1978, focusing on the extent to which individual agencies had institutionalized the representation of consumers' interests in their operations and were performing consumer functions as defined in the survey. That definition was broad, covering policy development, regulatory proceedings, external liaison, complaint handling, education and information, and regional activities. A preliminary analysis of the results was issued in August 1978.[36] Staff of the Office of Consumer Affairs indicated that the survey findings would be used by the special assistant in recommending to the President standards and guidelines for department and agency consumer activities.

Finally, citizen participation was one of the matters under study by the President's Reorganization Project (PRP). The PRP task force was focusing its efforts on public involvement in grant programs included in the planning requirements review.

Other Major Participation Techniques Used at the National Level

Among other major methods of involving the public in administrative decisionmaking at the national level are national advisory committees and White House conferences. National advisory committees are created to obtain expert advice, ideas, and diverse opinions for the President and executive departments and agencies. At the end of 1977, there were 875 such bodies of which 598 were established by statute, 262 by agency action, and 15 by Presidential directive. The greatest concentration was found in the following departments or agencies: HEW (298), Commerce (102), Small Business Administration (65), Commission on Civil Rights (51), and Interior (47). Total estimated cost of operating and supporting these committees was about $65 million in 1977. A total of 17,400 members served during 1977 on committees that still existed at the end of that year.[37]

Since 1972 the establishment, activities, and duration of national advisory committees have been subject to the *Federal Advisory Committee Act*.[38] The purposes of the act included control of the creation of the committees, termination when they are no longer needed, encouragement of standards and uniform procedures governing their establishment, operation, administration, and duration, and provision of information to Congress and the public about their activities. In 1977, 184 new committees were created, 408 were terminated, and 60 were merged into 25. Central management of the committees pursuant to the 1972 act is now vested in the Committee Management Secretariat in the General Services Administration.

108

From time to time national advisory commissions are set up by Presidential directive or Congressional action to deal with a particularly urgent problem. The nature of the problem, the prominence of the citizen members, and the special publicity effort associated with their creation and activities set them aside as special kinds of citizen participation devises. Examples in recent years have been the Commissions on Organization of the Executive Branch of the Government (Hoover Commissions), the President's Commission on National Goals, the Commission on Intergovernmental Relations (Kestnbaum Commission), the National Commission on Urban Problems (Douglas Commission), the National Advisory Commission on Civil Disorders (Kerner Commission), and the Commission on Federal Paperwork.

White House conferences are another type of participatory device designed to focus national attention on a special national issue. From a President's standpoint, it has certain advantages over the national advisory commission since it is more likely to be created

> . . . at his will rather than being necessitated by events; its participants need not be government personalities whereas national commissions occasionally have members of Congress and the judiciary as panelists; and the conference itself is an event clothed in the mantle of the White House, owing its existence, purpose, mission, and, by extension, some degree of loyalty, to the President.[39]

Often the White House conference seeks to generate ideas and build consensus from the grassroots, using local, state, and regional organizations.

The first White House conference was called in 1907 by President Theodore Roosevelt and dealt with conservation. Conferences in recent decades have been on aging (1961 and 1971), natural beauty (1965), civil rights (1965), federal-state relationships (1966), children and youth (1970 and 1971), handicapped individuals (1977), and balanced national growth and economic development (1978).[40]

Summary

The *Administrative Procedures Act of 1946* and its Freedom of Information and Government in the Sunshine amendments set the minimum requirements for citizen access to and involvement in the federal administrative process. The types of involvement are much more wide open under the informal rulemaking process set forth in the APA than under the formal process, and the informal procedure is the more commonly used of the two. The formal process applies to the independent regulatory commissions which have significant impact on consumer interests.

A workable inventory of current practice in citizen participation in the federal administrative process does not exist. Recent efforts by the administration have focused on requirements mandated on state and local recipients of federal grant funds. Without such an inventory, and given the undeveloped state of evaluation of the effectiveness of citizen participation, an assessment of the degree to which federal agencies meet or exceed the minimum standards of the APA is difficult, if not impossible.

Still, the two reports summarized here provide insightful, if partial, perspectives on the current status of citizen participation at the federal level. The report of the conference of the Interagency Council on Citizen Participation is the broader in scope, but clearly must be read as reflecting the experiences, perceptions, and goals of professionals who are, in varying degrees, citizen participation advocates.

The value of the report of the Senate Committee on Governmental Affairs, on the other hand, is limited by its focus on citizen participation in the independent regulatory commissions.

In both reports it is clear that, from the perspectives of their authors and endorsers, citizen participation in the segments of the federal administrative process that they address has serious shortcomings, from the standpoint of legislative foundation and direction as well as administrative commitment and practice.

CITIZEN PARTICIPATION IN FEDERAL AID PROGRAMS

The attachment of public participation requirements to an increasing number of federal grant programs is both a product and a cause of the growth of citizen participation in American government. The remainder of this chapter describes these requirements in federal grants-in-aid, presents case studies of such requirements in five major grant programs, and reviews the available evidence on the impact of these mandates, including the results of the ACIR-ICMA survey of local officials.

A Brief History

While requirements for formal citizen participation in federal grant-in-aid programs first attracted widespread attention in the 1960s, particularly around activities of the Great Society's poverty program, their antecedents can be found many decades earlier, in both direct and grant-in-aid federal programs. Perhaps the first recorded instance of federally encouraged citizen participation occurred when Congress chartered chambers of commerce in 1912 to bring the views of the business community to it. Not a formal grant program, the chambers were to be a coordinating force to focus the work and energies of community volunteer organizations. While chamber activities were (and are) business oriented, latter day chamber issues have included civil rights and community development, as in Hartford, CT, Schenectady, NY, and Dayton, OH.[41]

Coincidentally, a chamber of commerce was also associated with the origins of citizen participation in federal farm programs. Shortly before World War I, county farm bureaus, supported by local groups of farmers, were set up to provide leadership and attract additional funds for county demonstration work. The first such bureau began as a division of the Binghamton, NY, chamber of commerce which, with the Delaware and Lackawanna Railroad and the Office of Farm Management of the U.S. Department of Agriculture, employed a county agricultural agent. When county funds were provided in 1913, the ties to the chamber of commerce were severed.

In 1914 Congress passed the Smith-Lever *Extension Act*, providing federal funds for county agent work and specifically recognizing private contributions as a legitimate part of state matching funds. Several state legislatures in authorizing state aid to match federal funds recognized farm bureaus as the county cooperating organizations; a few even made the organization of a county farm bureau a requirement before financial assistance from the county could be provided.[42]

1930-59

Citizen participation blossomed in other forms and programs in the ensuing years. Probably the best known and most innovative use of citizen participation in the 1930s occurred in the Department of Agriculture. Before 1933, the department under the Smith-Lever *Extension Act of 1914* relied on federal grants-in-aid to channel funds to individual farmers through the extension services of the state land-grant colleges. The inauguration of national action programs in 1933, especially the *Agricultural Adjustment Act* of that year, required more direct relationships between the federal government and the farmers.

The first of the new organizational devices that were developed in response to this need were locally elected county and community committees of farmers. Their duties were to oversee the administration of acreage controls, marketing quotas, and other production controls, to provide the Secretary with information required to adapt to local needs, and to ensure farmer participation in program planning and adaptation.

When the Supreme Court invalidated the production control provisions of the 1933 legislation, Congress passed the *Soil Conservation and Domestic Allotment Act of 1936* under which farmers were paid for voluntarily shifting acres from soil depleting surplus crops into soil conserving legumes and grasses. In carrying out the provisions of this act as well as the

Agricultural Adjustment Act of 1938, the Secretary again used the locally chosen county and community committees of farmers.

Initiation of soil conservation districts, like the establishment of farmer committees under the adjustment and allotment acts, was another creative device introduced by the Department of Agriculture during the depression. Special soil conservation districts were organized as new governmental subdivisions of the state to insure local farmers participation in the planning and management of the program as it was adapted to local needs.[43]

Citizen participation was a key part of another New Deal program initiated in the 1930s—the Tennessee Valley Authority. The agency stressed decentralization, with "active participation by the people themselves in the programs of the public enterprise."[44]

As one observer described it after a decade of experience,

> . . . the farmer or the businessman finds a means of participating in the activities of government supplemental to his role on election day. If there is fertilizer to be distributed, farmers are invited, on a county and community basis, to participate in locally controlled organizations which will make decisions as to the most effective means of using fertilizer in the local area. If government land is to be rented, a local land-use association is organized so that the conditions of rental can be determined with maximum benefit for the community. If power is to be sold in a rural area, a cooperative provides a consumer ownership which retains profits in the community and makes possible a management guided by community problems and local needs.[45]

On the urban scene, the urban redevelopment program established by the *Housing Act of 1949* required citizen participation through public hearings. The *Housing Act of 1954* broadened the program, changed its title to urban renewal, and made citizen participation a mandated element of the "workable program for community improvement" (WPCI), which was a precondition for receiving funds. Although most cities met this requirement by creating a citywide advisory committee of leading citizens with little or no representation from the neighborhoods affected, a few places (Philadelphia, Detroit, and Baltimore) sought to put heavier emphasis on involving neighborhood representatives.[46]

THE 1960s

Early in the 1960s, the President's Committee on Juvenile Delinquency and the Ford Foundation's "Gray Area" program experimented with participative mechanisms in community work. They hoped to influence established institutions to use research and analysis in solving urban problems, and to develop coalitions of agencies to work with such institutions. They also wished to "arm the disadvantaged" through new methods of participation. These approaches led to, and became part of, the Community Action Program created by Title II of the *Economic Opportunity Act of 1964*. Community Action Agencies (CAAs) were formed with the three-fold assignment of providing services, mobilizing public and private resources, and achieving "maximum feasible participation." Participation levels increased substantially drawing particularly on neighborhood minority or low income residents. It took a number of forms: membership on the governing board of the CAA, employment of residents especially as subprofessionals, neighborhood boards and area councils, program advisory committees and independent citizen organizations, for example.[47] As neighborhood residents attempted to expand their influence over CAA board policies, sometimes controversy was ignited, giving rise to confrontation between neighborhood residents and the local government, cooptation of citizens by existing community forces, or control of the agency by indigenous citizens.

The Model Cities program enacted in 1966 maintained the neighborhood orientation of citizen participation, but a "widespread citizen participation" requirement was used instead of the "maximum feasible participation" in community action programs. City hall controlled most programs and mayors increased their powers, often at the expense of neighborhood-based citizen organizations. Citizens participated through advisory committee membership and in a few cases actually held some formal control by approving or vetoing grant proposals. Many committees "bargained" with the local government even though coordination and control was centralized in the mayor's hands.[48] Centralization increased when the 1974 Community Development block grant folded together into a single grant program model cities, urban renewal and most other HUD categorical programs. At the same time, local governments pursued their own decentralization practices through little city halls, neighborhood councils and/or corporations, and improved complaint-handling systems. Many of these mechanisms grew out of the community action agencies.

THE LAST TEN YEARS

Starting in the late 1960s and through to the present, citizen participation in federally aided as well as direct activities expanded into new areas with new approaches.[49] Nationally based public interest groups focusing their attention at the federal level came into prominence, including Common Cause and Public Citizen. Mostly middle income groups, they signified a move toward citizen-initiated participatory action on "middle-class" issues, such as organizational and procedural reforms. Another new thrust came with heightened public concern about deterioration of the natural environment through air, water, and other types of pollution. The *National Environment Policy Act of 1969* required federal agencies to attach an environmental impact statement (EIS) to every proposal for a major federal action significantly affecting the quality of the human environment. Such statements invariably involve public participation, both in preparation of the statement or, where an agency decides an EIS is not needed, in review of that decision. The EIS requirement has given the public an important point of access to administrative decisionmaking in direct federal and federal-state-local programs.

Improved public access to information was the objective of the original *Freedom of Information Act of 1966*[50] and its 1974 amendments.[51] Then in 1976 Congress acted on another front to open up the government to the citizens by passing the *Government in the Sunshine Act*,[52] requiring for the first time that all multimember federal agencies—some 50 in 1976—conduct their business regularly in public session.[53] In the *1972 Federal Advisory Committee Act*, Congress already had required that advisory committees make their proceedings accessible to the public.[54]

Accompanying these various new avenues to increased citizen participation in the past decade has been the continuing, steady addition of new categorical grant programs that call for some sort of citizen involvement, such as the environmental protection programs, already mentioned. Examples include:

The Coastal Zone Management Act of 1972 (P.L. 92-583). The committee report explicitly declared Congress's intention that "the policy includes encouragement of the participation of the public." Public hearings and opportunity for public participation in rulemaking are required.

Headstart Economic Opportunity and Community Partnership Act of 1974 (P.L. 93-644). Headstart must "provide for direct participation of the parents of such children in the development, conduct and overall program direction at the local level."

Resource Conservation and Recovery Act of 1976 (P.L. 94-580). The Administrator is required to approve a state hazardous waste plan, unless after notice and public hearing, he finds that the state program is not equivalent to the federal minimum standards.

Housing and Community Development Act of 1974 (P.L. 93-415). Grant applicants must certify that they have "provided adequate opportunity for citizen participation in the development of the application and for resident involvement in program activities."

Energy Conservation and Production Act (P.L. 94-385). A provision for local hearings "can be expected to make every citizen's opportunity to participate in governmental decisionmaking more meaningful and direct and should result in a more responsive and responsible exercise of governmental authority at the federal level."

Indian Health Care Improvement Act (P.L. 94-437). The Secretary of HEW is mandated to "consult with various national and regional Indian organizations to obtain their views in the formulation of rules and regulations."

Surface Mining Act (P.L. 95-87). "The success or failure of a national coal surface mining regulation will depend, to a signifi-

> cant extent, on the role played by citizens in the regulatory process."

In addition, legislation imposed new citizen participation requirements on already existing programs. For instance:

> *Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500)*. "The Environmental Protection Agency and the state should actively seek, encourage and assist the involvement and participation of the public in the process of setting water quality requirements and in their subsequent implementation and enforcement."
>
> *The Regional Development Act of 1975 (P.L. 94-188)*. A new provision "emphasizes overall regional goals and the strengthened participation of political subdivisions and the general public in the preparation of state development plans."[55]

Other ongoing programs increasingly subjected to citizen involvement requirements included forest service, water management, and technology assessment.[56]

Probably the most far-reaching federal aid legislation affecting citizen participation—in the sense of numbers of governmental units affected (39,000)—was the extension of General Revenue Sharing (GRS) in 1976. The original 1972 law required state and local government recipients annually to publish copies of their reports on actual and planned use of revenue sharing funds received. It also required recipient governments to expend revenue sharing funds in accordance with the laws and procedures applicable to their own funds. Thus, if public hearings were required for the regular budget of the recipient jurisdiction, they were required for revenue sharing moneys.[57]

Under the heading, "Citizen Participation: Reports, Enforcements," the 1976 legislation required a proposed use hearing and a budget hearing. The proposed use hearing was intended to remedy the problem of holding hearings so late in the budget process that all important decisions had been made. This hearing was designed to give citizens an opportunity to comment on the draft budget before it was submitted to the adopting body for consideration and adoption. The legislation also required states and localities to afford the senior citizens opportunity to be heard on the allocation of GRS funds.[58]

An Inventory of Citizen Participation Requirements in Federal Grant Programs

In the fall of 1978, the ACIR surveyed federal agencies administering programs of grants-in-aid to state and local governments to obtain information about citizen participation requirements imposed on state and local governments as conditions of the grants.[59] The survey asked the agencies to supply the statutory and/or regulatory citations for the requirements and provide available guideline material. Through the survey and additional research by ACIR staff, information was obtained for over 95% of the grant programs listed in the *1978 Catalog of Federal Domestic Assistance*. The results are summarized by administering agency and major mode of participation in *Table 4-1* and are listed by program in *Appendix Table 4A-1*.

According to this tally, 155 federal grant programs have citizen participation requirements specified by statute or regulation—more than one-fourth of all the grant programs.[60] The 155 accounted for over 80% of federal grant expenditures in FY 1977. Among the major modes of participation, over one-half of the programs—89—require boards or committees reflecting the public in various ways in their membership.[61] Fifty-five programs mandate public hearings while in 114 programs other types of citizen participation are specified, i.e., public meetings, workshops, and review and consultation.

BOARDS AND COMMITTEES

In *Table 4A-2* are summarized the prescribed membership and activities of the boards and committees for each of 89 aided programs, arranged by department or agency and program number assigned in the *1978 Catalog of Federal Domestic Assistance*.[62]

Interests Represented

Congress and executive agencies (to the extent that public participation is mandated by regulation) provide for the representation of a wide diversity of interests on these boards and committees. *Table 4-2* is an ACIR staff classification of these interests. The 16 groups (excluding "other") were identified from a perusal of the program statutes or regulations. The choice of

Table 4-1

NUMBER OF FEDERAL GRANT PROGRAMS WITH CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION, BY DEPARTMENT OR AGENCY AND MAJOR TYPE OF REQUIREMENT

(December 1978)

		Number of Programs With Various Types of CP Requirement			
		Boards or Committees			
Department or Agency	Total Programs With CP Requirements	Some Decision Power	Advisory Only	Public Hearings	Other*
Agriculture	7	—	3	2	5
Commerce	8	4	2	3	8
HEW	(82)	(13)	(44)	(22)	(57)
PHS-I	14	8	4	4	8
OE	50	4	32	16	33
OHDS	9	1	4	1	8
HCFA	2	—	2	—	2
SSA	3	—	2	—	2
PHS-II	4	—	—	1	4
HUD	3	1	—	2	3
Interior	2	—	—	—	2
Justice	3	2	1	—	2
Labor	6	—	6	—	1
Transportation	5	—	—	5	4
Appalachian Regional Commission	14	1	1	14	14
GSA	1	—	1	—	—
CSA	7	2	3	—	6
Water Resources Council	1	—	—	—	1
EPA	9	1	—	5	8
ACTION	3	—	3	—	—
Energy	3	—	1	1	2
Treasury	1	—	—	1	1
Total	155	24	65	55	114

*Includes such requirements as public meetings, workshops, and review and consultation.

SOURCE: ACIR staff survey.

classes and assignment of specified interests to them required subjective judgment in some cases, as in distinguishing between functional community organizations, functional national organizations, and general community organizations. It is believed, however, that this breakdown gives a fairly accurate picture of the range of interests currently represented in these boards and committees.

The table notes, by asterisk, those cases where the law requires an identified interest to constitute at least a certain minimum number of members or proportion of the total membership. Generally, the apparent intent was to assure that a particular group is given a dominant or substantial role in the organization's activities.

Following are the most frequently occurring of the identified interests, listed in descending

Table 4-2

PRINCIPAL INTERESTS REQUIRED BY LAW TO BE REPRESENTED ON NONFEDERAL BOARDS/COMMITTEES INVOLVED IN FEDERAL GRANT-IN-AID PROGRAMS

CFDA Number	Program and Board Committee	General Public	General Community Organizations	Functional Community Organizations	Functional National Organizations	Economic Interests	Consumers, Clientele	Provider Professionals Inside Government	Provider Professionals Outside Government	Provider Institutions (noneducational)	Institutions of Higher Education	Parents	Poor	Racial Minorities	Ethnic Minorities	Local Governments	Other Nonfederal Governments	Other
	AGRICULTURE																	
10.879	Rural Development Research State Rural Development Advisory Council					X*			X	X	X					X	X	
10.881	Cooperative Extension Service State Rural Development Advisory Council					X*			X	X	X					X	X	
10.901	Resource Conservation and Development Citizen Resource Committee	X				X												
	COMMERCE																	
11.300	Economic Development—Grants and Loans for Public Works and Development Facilities 1) Economic Development District Governing Board					X*								X	X	X*		1
	2) OEDP Committee					X								X	X	X		1
11.302	Economic Development—Support for Planning Organizations Economic Development District Governing Board					X*								X	X	X*		1
11.305	Economic Development—State and Local Economic Development Planning Special Planning Committee	X																
11.306	Economic Development—District Optional Assistance Economic Development District Governing Board					X*								X	X	X*		1
11.308	Public Works and Economic Development: Supplemental and Basic Grants Economic Development District Governing Board					X*								X	X	X*		1

BEST COPY AVAILABLE

	HEW-PHS I																	
13.210	Comprehensive Public Health Services																	
	1) Statewide Health Coordinating Council						X*		X*	X*								
	2) State Health Planning Council			X	X		X									X	X	
13.220	Medical Facilities Construction—Formula Grant																	
	1) Government Body, Health Systems Agency	X		X			X*	X	X	X	X			X	X	X		2
	2) Statewide Health Coordinating Council						X*		X*	X*								
13.224	Community Health Center																	
	Governing Board	X		X		X	X*		X	X				X	X	X		
13.246	Migrant Health Centers																	
	Governing Body	X		X		X	X*		X	X				X	X	X		
13.256	HMO Development																	
	Policymaking Body						X*											3
13.257	Alcohol Formula Grants																	
	State Advisory Council			X	X		X						X	X	X		X	
13.269	Drug Abuse Prevention Formula Grants																	
	State Advisory Council			X	X											X	X	
13.292	Sudden Infant Death Syndrome Information and Counseling Program																	
	Project Community Council	X*	X					X	X							X		
13.293	State Health Planning and Development Agencies																	
	Statewide Health Coordinating Council						X*		X*	X*								
13.294	Health Planning—Health Systems Agencies																	
	Governing Body, Health Systems Agency	X		X			X*	X	X	X	X							2
13.295	Community Mental Health Centers—Comprehensive Services Support																	
	Governing Body, CMHC	X					X											
	HEW-OE																	
13.416	Teacher Centers																	
	Teacher Center Policy Board						X*				X					X		
13.427	Educationally Deprived Children—Handicapped																	
	1) Advisory Council—School District											X*						
	2) Advisory Council—School											X*						

Table 4-2 (Cont.)

PRINCIPAL INTERESTS REQUIRED BY LAW TO BE REPRESENTED ON NONFEDERAL BOARDS/COMMITTEES INVOLVED IN FEDERAL GRANT-IN-AID PROGRAMS

CFDA Number	Program and Board Committee	General Public	General Community Organizations	Functional Community Organizations	Functional National Organizations	Economic Interests	Consumers, Clientele	Provider Professionals Inside Government	Provider Professionals Outside Government	Provider Institutions (noneducational)	Institutions of Higher Education	Parents	Poor	Racial Minorities	Ethnic Minorities	Local Governments	Other Nonfederal Governments	Other
	HEW-OE (cont.)																	
13.428	Educationally Deprived Children—LEAs																	
	1) Advisory Council—School District											X*						
	2) Advisory Council—School											X*						
13.429	Educationally Deprived Children—Migrants																	
	1) Advisory Council—School District											X*						
	2) Advisory Council—School											X*						
	3) State Advisory Council											X						
13.433	Follow Through Program																	
	Policy Advisory Committee		X	X								X*	X*					
13.444	Handicapped Early Childhood Assistance																	
	Advisory Council											X*						
13.449	Handicapped Pre-School and School Programs																	
	State Advisory Panel						X*	X*				X*				X*	X*	4
13.464	Library Service—Grants to Public Libraries																	
	State Advisory Council on Libraries										X					X		5
13.465	Library Services—Interlibrary Cooperation																	
	State Advisory Council on Libraries										X					X		5
13.489	Teacher Corps—Operations and Training																	
	1) Community Council	X										X						
	2) Policy Board										X					X		6
13.491	University Community Service—Grants to States																	
	State Advisory Council										X							

BEST COPY AVAILABLE

13.493	Vocational Education—Basic Grants to States																	
	1) State Advisory Council	X				X					X					X	X	7
	2) Local Advisory Council	X				X*								X	X			
13.494	Vocational Education—Consumer and Homemaking Program																	
	1) State Advisory Council	X				X					X					X	X	
	2) Local Advisory Council	X				X*								X	X			
13.498	Vocational Education—Program Improvement Project																	
	1) State Advisory Council	X				X					X					X	X	
	2) Local Advisory Council	X				X								X	X			
13.499	Vocational Education—Special Needs																	
	State Advisory Council	X				X					X					X	X	7
13.500	Vocational Education—State Advisory Councils																	
	State Advisory Councils	X				X					X					X	X	7
13.525	Emergency School Aid Act—Basic Grants to LEAs																	
	1) Districtwide Advisory Committee		X				X					X*	X	X	X	X		8
	2) Student Advisory Committee						X						X*	X*	X*			8
13.526	Emergency School Aid Act—Pilot Programs																	
	1) Districtwide Advisory Committee		X				X					X*	X	X	X	X		8
	2) Student Advisory Committee						X						X*	X*	X*			8
13.528	Emergency School Aid Act—Bilingual Education Project																	
	1) Districtwide Advisory Committee		X				X					X*	X	X	X	X		8
	2) Student Advisory Committee						X						X*	X*	X*			8
13.529	Emergency School Aid Act—Special Programs and Projects																	
	Districtwide Advisory Committee		X				X					X*	X*	X*	X*	X		9
13.530	Emergency School Aid Act—Educational TV																	
	1) Areawide Advisory Committee		X				X					X*	X*	X*	X*			8
	2) Districtwide Area Advisory Committee		X				X					X*	X*	X*	X*			8
13.532	Emergency School Aid Act—Special Programs																	
	1) Districtwide Advisory Committee		X				X					X*	X	X	X	X		8
	2) Student Advisory Committee						X						X*	X*	X*			8
13.533	Right to Read—Elimination of Illiteracy																	
	State Advisory Council on Reading	X					X	X			X	X						
13.534	Indian Education—Grants to LEAs																	
	Advisory Committee						X	X				X*						

Table 4-2 (Cont.)

PRINCIPAL INTERESTS REQUIRED BY LAW TO BE REPRESENTED ON NONFEDERAL BOARDS/COMMITTEES INVOLVED IN FEDERAL GRANT-IN-AID PROGRAMS

CFDA Number	Program and Board Committee	General Public	General Community Organizations	Functional Community Organizations	Functional National Organizations	Economic Interests	Consumers, Clientele	Provider Professionals Inside Government	Provider Professionals Outside Government	Provider Institutions (noneducational)	Institutions of Higher Education	Parents	Poor	Racial Minorities	Ethnic Minorities	Local Governments	Other Nonfederal Governments	Other
	HEW-OE (Cont.)																	
13.549	Ethnic Heritage Studies Program Advisory Council							X*							X*	X		
13.551	Indian Education—Grants to Non-LEAs Parent Committee						X	X				X						
13.558	Bilingual Vocational Training																	
	1) State Advisory Council	X				X					X					X	X	
	2) Local Advisory Council	X				X*								X	X			
13.562	Education For Gifted and Talented Children and Youth Advisory Committee	X		X	X		X	X				X						10
13.566	Elementary and Secondary School Education in the Arts																	
	1) Advisory Committee, LEA																	11
	2) Advisory Committee, State Educational Agency																	11
13.570	Libraries and Learning Resources State Advisory Council	X						X			X					X	X	12
13.586	Bilingual Vocational Instructor Training																	
	1) State Advisory Council	X				X					X					X	X	
	2) Local Advisory Council	X				X*								X	X			
13.587	Bilingual Vocational Instructional Materials, Methods and Techniques																	
	1) State Advisory Council	X				X					X					X	X	
	2) Local Advisory Council	X				X*								X	X			

BEST COPY AVAILABLE

13.589	Emergency School Aid—Magnet School, University/ Business Cooperation		X				X					X*	X	X	X	X		8
	1) Districtwide Advisory Committee						X						X*	X*	X*			8
	2) Student Advisory Committee																	
13.590	Emergency School Aid—Neutral Site Planning		X				X					X*	X	X	X	X		8
	1) Districtwide Advisory Committee						X						X*	X*	X*			8
	2) Student Advisory Committee																	
**	Pre-School Incentive Grants Advisory Panel (State)																	13
	HEW-OHDS																	
13.630	Developmental Disabilities—Basic Support State Planning Council			X	X		X*				X	X*				X	X	
13.633	Special Programs for Aging—State Agency Activities and Area Planning in Social Services Programs																	
	1) State Advisory Committee			X	X		X*						X			X	X	
	2) Area Advisory Council	X					X*						X					
13.635	Special Programs for Aging—Nutrition Program for Elderly Project Council						X*	X	X									
13.639	Special Programs for Aging—Title V Multiple Purpose Senior Centers Area Advisory Council	X					X*						X					
13.645	Child Welfare Services—State Grants																	
	1) Advisory Committee on AFDC and CWS Programs	X	X	X	X		X*										X	
	2) Advisory Committee on Day Care Services	X	X	X	X		X*										X	
	HEW-HCFA																	
13.714	Medical Assistance Program State Medical Care Advisory Committee		X				X		X								X	
13.766	Health Financing Research, Demonstrations and Experiments State Medical Care Advisory Committee		X				X		X								X	
	HEW-SSA																	
13.810	Assistance Payments—State and Local Training Advisory Committee on Aged, Blind, and Disabled	X	X	X	X		X*										X	

Table 4-2 (Cont.)

PRINCIPAL INTERESTS REQUIRED BY LAW TO BE REPRESENTED ON NONFEDERAL BOARDS/COMMITTEES INVOLVED IN FEDERAL GRANT-IN-AID PROGRAMS

CFDA Number	Program and Board Committee	General Public	General Community Organizations	Functional Community Organizations	Functional National Organizations	Economic Interests	Consumers, Clientele	Provider Professionals Inside Government	Provider Professionals Outside Government	Provider Institutions (noneducational)	Institutions of Higher Education	Parents	Poor	Racial Minorities	Ethnic Minorities	Local Governments	Other Nonfederal Governments	Other
	HEW-SSA (cont.)																	
13.814	Refugee Assistance—Indochinese Refugees Advisory Board			X			X	X	X	X						X		
	HEW-PHS II																	
13.887	Medical Facility Construction—Project Grants																	
	1) Governing Body, Health Systems Agency	X		X			X*	X	X	X	X			X	X	X		2
	2) Statewide Health Coordinating Council						X*		X*	X*								
	JUSTICE																	
16.500	Law Enforcement Assistance—Comprehensive Planning Grants State Planning Agency Supervisory Board	X	X	X												X	X	
16.502	Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice State Planning Agency Supervisory Board	X	X	X												X	X	
16.516	Law Enforcement Assistance—Juvenile Delinquent Prevention—Allocation to States Advisory Group			X	X			X*	X*							X	X	
	LABOR																	
17.207	Employment Service State Advisory Council	X*					X*											14*
17.230	Migrant and Seasonal Farm Workers Prime Sponsor Manpower Planning Council	X	X			X											X	

BEST COPY AVAILABLE

17.232	CETA Program																	
	1) Prime Sponsor Planning Council		X	X		X	X				X					X	X	
	2) State Manpower Services Council	X	X	X		X	X									X*	X*	
17.239	Youth Community Conservation Improvement Program																	
	1) Prime Sponsor Planning Council		X	X		X	X				X					X	X	
	2) State Manpower Services Council	X	X	X		X	X									X*	X*	
17.240	Youth Employment and Training																	
	1) Prime Sponsor Planning Council		X	X		X	X				X					X	X	
	2) Youth Council	X	X	X		X	X				X					X	X	
**	Public Service Employment Program																	
	1) Prime Sponsor Planning Council		X	X		X	X				X					X	X	
	2) State Manpower Services Council	X	X	X		X	X									X*	X*	
	APPALACHIAN REGIONAL COMMISSION																	
23.009	Appalachian Local Development District Assistance																	
	Local Development District Governing Board	X				X												15
23.013	Appalachian Child Development																	
	State-Level Interagency Committee																X	16
	GENERAL SERVICES ADMINISTRATION																	
39.006	National Historical Publications and Records Grants																	
	State Historical Records Advisory Board	X		X				X*	X*								X	
	CSA																	
49.002	Community Action						X*						X*					
	1) CAA Board						X						X					
	2) State Economic Opportunity Office Advisory Committee																	
49.011	Community Economic Development																	
	Community Development Corporation Governing Body																	17*
49.013	State Economic Opportunity Offices																	
	SEOO Advisory Committee						X						X					
49.014	Emergency Conservation Services																	
	Project Advisory Committees		X	X									X*			X		18

Table 4-2 (Cont.)

PRINCIPAL INTERESTS REQUIRED BY LAW TO BE REPRESENTED ON NONFEDERAL BOARDS/COMMITTEES INVOLVED IN FEDERAL GRANT-IN-AID PROGRAMS

CFDA Number	Program and Board Committee	General Public	General Community Organizations	Functional Community Organizations	Functional National Organizations	Economic Interests	Consumers, Clientele	Provider Professionals Inside Government	Provider Professionals Outside Government	Provider Institutions (noneducational)	Institutions of Higher Education	Parents	Poor	Racial Minorities	Ethnic Minorities	Local Governments	Other Nonfederal Governments	Other
	EPA																	
66.001	Air Pollution Control Program Grants Permit Board	X*																
	ACTION																	
72.001	Foster Grandparent Program Foster Grandparent Advisory Council		X	X			X						X*	X	X			
72.002	Retired Senior Volunteer Program Retired Senior Volunteer Program Advisory Council		X	X			X*	X	X							X		
72.008	The Senior Companion Program Advisory Council		X	X			X						X*	X	X			
	ENERGY																	
81.042	Weatherization Assistance Program for Low Income Persons Policy Advisory Council		X	X												X	X	

BEST COPY AVAILABLE

order of the number of programs in which they are required to be represented on a board or committee.

- **Consumers, clientele or intended direct beneficiaries of the program** are represented on boards/committees of 43 of the 89 programs involving some kind of board/committee public participation. In 20 of the 43 programs, moreover, consumers are assured a certain proportion of the membership. An example is the Migrant Health Centers governing board (CFDA #13.246) on which a majority must be individuals served by the center. Thirty-three of the 43 programs are under HEW; the remainder are in other people-serving agencies: Labor (5), ACTION (3) and Community Services Administration (2).

- **"General public" interest representatives** are found on boards/committees in 36 different grant programs. This classification encompasses "interest groups," "individuals," "the public interest," "public and private citizens broadly representative of the community," and groups and individuals identified by similar terms in the law. The "general public" interest is represented on boards/committees in two-thirds of the 15 departments and agencies listed in the table. In only two cases (Employment Service's State Advisory Council—17.207, and Air Pollution Control Program Permit Boards—66.001) are "general public" representatives assured a certain share of the total membership.

- **Functional community organizations** are represented on boards/committees under 28 different programs. They are identified by such terms as "nongovernmental organizations and groups concerned with health" (13.210), "organizations in the community who have shown concern in the interests of low income persons" (13.433), and "organizations directly related to delinquency prevention" (16.500). Somewhat like the "consumer-clientele" interest group, they are most often represented in the human service programs of HEW, Labor, and ACTION. In no case, however, does the law require these groups to constitute a specified portion of the total membership of the body they serve on.

- Representatives of **general community organizations** are required on boards/committees associated with 26 grant programs. Under this heading are included representatives of such groups as those identified as "civic or community organizations" (13.525), "consumer organizations" (13.714), and "community-based organizations" (17.230). Some might consider these very similar to the "general public." Again, in no case are "general community organization representatives" assured a certain share of the total membership of a board/committee by the governing law.

- Representatives of **ethnic minorities** are provided for on boards/committees in 26 programs. While required chiefly in the human service programs of HEW and ACTION, they are also mandated in four EDA (Commerce) programs. In eight of the programs, ethnic minorities are assured a certain share of total membership.

- **Institutions of higher education** have representatives on boards/committees of 26 programs, 15 of which are under the Office of Education.

- **Racial minorities** are represented on the boards/committees of 25 programs, 14 of which are Office of Education programs and the remainder distributed among PHS (5), Commerce (4), and ACTION (2). In eight of the programs the minority group is assured a specified proportion of the total membership.

- **Economic interests** are tabbed for representation on boards/committees under 23 programs. Terminology commonly used refers specifically to such general groups as farmers, business, industry, labor, and banking, or speaks of the "principal economic interests of the district" (11.300—Economic Development District Governing Board).[53] "Economic interest" representation is clustered chiefly in the committees of programs under the Departments of Agriculture, Commerce, and Labor, with a smattering in HEW health and vocational education programs. On only one of the boards/committees is a specified representation of "economic interests" mandated (13.493(2)—Vocational Education—Basic Grants to States).

- **Parents** must be represented on boards or committees connected with 20 grant programs. All are HEW programs and all but one (13.630—Developmental Disabilities State Planning Council) are under the Office of Education. Significantly, in 16 of the 20 programs, parents are required to have a specified share of the membership, usually a majority.

- The remainder of the interests, separately identified on the chart, in descending order of number of programs in which they are represented on boards/committees, are:
  - —"provider professionals—outside government:" 17 programs;
  - —"the poor or low income group:" 16 programs;
  - —"provider professionals—inside government" (usually in the administering agency): 15 programs;
  - —"provider institutions—noneducational:" ten programs; and
  - —"functional national organizations:" nine programs.

In this group of five "interests," the "poor" are
124 most frequently assured a minimum share of
representation—in 13 of the 16 programs in
which their presence is required. "Provider pro-
fessionals—outside government" have a certain
assured representation in six programs; and
"provider professionals—inside government" in
four.

Two additional classes of "interests" have frequent representation on boards/committees but are left out of the above listing because they do not represent the nongovernmental public. These are of course "local governments" and "other nonfederal governments." They include "officials" as well as governments as such. The "other nonfederal governments" are mainly representatives of state agencies, and are found chiefly in state-administered grant programs.

Compared to the nongovernmental "interests," these two governmental categories are among the most frequently represented "interests." "Local governments" are represented on committees associated with 46 of the 89 grant programs; "other nonfederal governments" are involved in 32 programs. In the great majority of cases, functional agencies or professionals in those agencies are the entities to be represented. This is particularly true of the "other nonfederal" category, where memberships from state agencies are most often mandated. Such agencies include health, education, aging, welfare, law enforcement, and employment services units. Local government representation comes from local units of government or local elected officials in the EDA and a few manpower programs of the Labor Department. Otherwise, it also consists of functional agencies or specialists within those agencies.

Authority Exercised

Boards/committees required in 65 programs perform only an advisory function, according to their governing statute or regulation. Two-thirds of these are HEW programs, chiefly under the Office of Education. Advisory authority is spelled out in a variety of ways, for example:

- —Advise Chief Administrative Officer of the University (10.879);
- —Consult with state agency in carrying out the state plan (13.257);
- —Advise the local educational agency in the planning for, implementation, and evaluation of educational programs for handicapped children (13.427);
- —Supervise development of the approved state plan, monitor and evaluate implementation of the plan, review and comment on all state plans relating to programs affecting persons with developmental disabilities (13.630);
- —Advise the Governor and the state agency in the implementation of the state plan (13.633); and
- —Formulate policies and discuss problems relating to employment and ensure impartiality, neutrality, and freedom from political influence in the solution of such problems (17.207).

Among the boards or committees required to have citizen representation, 17 wield some decisionmaking authority.[84] All but four of the 17 possess general governing or policymaking power. These four are basically advisory bodies but it appears from the law that they are given one or more specific decisionmaking powers as well. They are all associated with HEW programs:

- —Statewide Health Coordinating Council (associated with CFDA #13.210, 13.220, 13.293, and 13.887). While it generally advises the state health planning and development agency, it also approves or disapproves the state health plan, the state medical facilities plan, and applications for certain health grants.

—Advisory Committee in program of Indian Education—Grants to Local Education Agencies (CFDA #13.534). Its functions appear mainly advisory in accord with its title, but it also approves applications for grants.

—Parent Committee in program of Indian Education—Grants to Non-Local Educational Agencies (CFDA #13.551). Similar to committee under CFDA #13.534.

—Project Council required by Special Programs for the Aging—Nutrition Program for the Elderly (CFDA #13.635). Advises grant recipient but also approves certain operating decisions.

The 13 governing or policymaking bodies involved in the grant process whose membership is required to include public representation are:

—Economic Development District (EDD) Governing Board, required under CFDA #11.302, 11.306, and 11.308;

—Health Systems Agency Governing Body—CFDA #13.220, 13.294, and 13.887;

—Community Health Center Governing Board—CFDA #13.224;

—Migrant Health Center Governing Board—CFDA #13.246;

—Health Maintenance Organization Development Policymaking Body—CFDA #13.256;

—Community Mental Health Center Governing Body—CFDA #13.295;

—Teacher Center Policy Board—CFDA #13.416;

—Teacher Corps Policy Board—CFDA #13.489;

—State (Criminal Justice) Planning Agency Supervisory Board—CFDA #16.500 and 16.502;

—Local Development District (LDD) Governing Board—CFDA #23.009;

—Community Action Agency (CAA) Board—CFDA #49.002;

—Community Development Corporation Governing Body—CFDA #49.011; and

—Permit Board, Air Pollution Control Program—CFDA #66.001.

PUBLIC HEARINGS

Through membership on boards and committees, the federal government assures particular interests access to the government decision process in grant-aided programs. The public hearing is the common mechanism for giving the public-at-large that access.

The statutes and regulations that mandate public hearings in 55 grant programs require them to be held chiefly in the planning, project application, or program development stage of the grant process. Generally, these amount to the same thing: the stage at which officials presumably are still making up their minds on projected program activity. As examples:

—The three coastal zone programs require hearings during *program development* (CFDA #11.418, 11.419, and 11.421).

—Hearings must be held before adoption of the *state or areawide plans* in certain health (CFDA #13.210, 13.220, 13.293, 13.294, 13.387), vocational education (CFDA #13.493, 13.499), aging (CFDA #13.633), and air pollution control (CFDA #66.001) programs.

—The *planning process* is the focus of public hearings in the 14 ARC programs (CFDA #23.002-23.006, 23.008-23.013, 23.017), and in the Local Rail Services System—National Program (CFDA #20.308).

—By far the most common linkage is with the development of the *project application*, as in the Watershed Protection and Flood Prevention program (CFDA #10.904), eight programs under the Emergency School Aid Act (e.g., CFDA #13.525), the Airport Development Aid Program (CFDA #20.102), the Community Development Block Grant program (CFDA #14.218), and five other programs.

In at least one case—highway construction (CFDA #20.205)—a public hearing is required at two stages—before a route location is approved, and after approval of the location but before the state highway department is committed to a specific design proposal.

The type of program determines where public hearings fit in. The best illustration is the regulatory activity of the Environmental Protection Agency (EPA). In three of the EPA programs

(CFDA #66.418, 66.419, and 66.426), public hearings must be held not only on program development but also in regard to regulations and standards. Further, in EPA's program of State Public Water Supervision (CFDA #66.432), a hearing must be held before granting a variance from a minimum requirement.

Other Citizen Participation Requirements

In 114 of the 155 grant programs, statutes and/or regulations prescribe public participation requirements beyond membership on boards/committees or the holding of public hearings. These are summarized by program in the "other" column of *Appendix Table 4A-1*. These provisions vary with respect to whether specific interests must be involved and, if so, which ones; at what stage of the decisionmaking process participation must occur; and the types of participation mechanisms mandated.

For the most part, these "other" provisions call for general public participation, with or without identifying specific interests that constitute the public. Fully two-thirds of the programs can be read as providing for participation by "the public" or terms that convey the same meaning. About one-half of these speak only of the public, with no reference to any specific interests to be represented. The CP provisions in the programs of HUD, the Appalachian Regional Commission, and EPA are almost exclusively of this type. Particular interests most often identified in other programs are local governments or local officials (17 programs), other nonfederal governments (usually state agencies) (15), clientele or program recipients (14), general community organizations (13), functional community organizations (13), and parents (12).

When specified, public involvement is most commonly required to occur during the planning or program development stage of the decisionmaking process. Sometimes the focus is on the application process. In fewer instances, the public is to participate in program operations or implementation, or in program evaluation. The broadest type of involvement is mandated for the *Clean Water Act* programs of the Environmental Protection Agency: "public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any state."[65]

In over one-half of these 114 programs, the statute or regulation speaks only generally of involvement, without specifying particular modes or mechanisms. In the remainder, the particular types of involvement called for include: due notice of the preparation of a grant application or development of a plan or the holding of a meeting; holding public meetings of workshops; making records or documents available to the public; offering opportunities for giving testimony or review and comment; and consulting with particular groups.

Breakdown by Department or Agency

The preceding analysis noted certain departmental tendencies in participation requirements. The following paragraphs focus more squarely on departmental differences.

The Department of Health, Education, and Welfare (HEW), the department with the most grant programs, has more than one-half the number with citizen participation requirements—82. They are administered by the Office of Education (50), the Public Health Service (18), the Office of Human Development Services (nine), the Social Security Administration (three), and the Health Care Financing Administration (two). The other 15 departments or agencies with citizen participation mandates in descending order of number of grant programs affected are the Appalachian Regional Commission (14), Environmental Protection Agency (nine), Commerce (eight), Community Services Administration (seven), Agriculture (seven), Labor (six), Transportation (five), Justice (three), ACTION (three), Energy (three), HUD (three), Interior (two), General Services Administration (one), Water Resources Council (one), and Treasury (one).

In HEW, two-thirds of their citizen participation programs require citizen membership on boards or committees at the state and local levels. Most of these are purely advisory bodies. Citizen membership on committees in education programs leans heavily toward parents—19 of the 50 cases, and students—13. Other interests heavily represented in Office of Education programs are local governments (usually school districts) (16), ethnic minorities and institutions of higher education (ten each), and low income and racial minorities (nine each). Except for the cluster of programs under the *Emergency School*

Aid Act, public hearing requirements are rare among Office of Education programs.

Public Health Service boards/committees are required to represent about a half dozen specified interests on the average. The most common one is the consumer of health services—in ten programs. Again, public hearings are not a common requirement in this part of HEW.

All of the 14 ARC programs are governed by a general provision mandating public hearings and several other elements of an active program of public participation in the planning process. EPA also is directed to use a comprehensive approach to citizen participation in its programs, but for only one of the nine (Air Pollution Control) is an advisory committee involved.

Five of the affected Commerce Department programs are in the economic development area and three in coastal zone management. Public representation on committees is involved in the former, with special emphasis on reflection of economic interests, racial and ethnic minorities, and local governments. The coastal zone programs stress public hearings and other vehicles of consultation, such as public meetings and workshops.

Five of the seven Community Services Administration programs must heed the "maximum feasible participation" command of the statute. The four programs with advisory committees emphasize representation of the poor and residents of the area served.

In Agriculture, the three programs with advisory committees feature representation of economic interests, providers, institutions of higher education, and local and nonfederal government agencies. Two of the seven programs call for public hearings. All six Labor programs focus the participation requirements on advisory committees, emphasizing representation of a broad spectrum of interests. These include the "general public," clientele groups, economic interests, local and other nonfederal agencies, and general and functional community groups. The five DOT programs, on the other hand, use no committees, but rather stress public hearings and public involvement in the transportation planning process.

The Recent Blossoming of Citizen Participation Requirements

In tracing the history of federal citizen participation provisions at the opening of this chapter, it was noted that the addition of new requirements had accelerated over the past ten years or so. This generalization is borne out by examination of the enactment dates of the 155 grant programs with citizen participation requirements.

Most of the 155 are of relatively recent vintage. One-hundred-twenty-four were enacted in 1970 or later, about 81% of the total. As seen in *Table* 4-3, up through 1974 the rate of expansion of new programs with citizen participation mandates went up steadily, from five programs prior to 1960, to ten in 1960-64, 16 in 1965-69, and 69 in 1970-74. The upward trend is, of course, similar to the growth in number of all federal grant programs, but it is not identical. The sharp expansion in grant programs occurred in the middle and late 1960s during the heyday of the Great Society.[88] The number of programs with citizen participation requirements, on the other hand, spurted in the early 1970s. Some would say that this was in great part a response to the political and social activism as well as the turmoil of the late 1960s; others would argue that the earlier citizen participation requirements—at least some of them—contributed to the turmoil; while still others would contend that the bulk of the later requirements were merely a Congressional gesture to pacify special interest pleaders.

The pace of expansion of citizen participation requirements varied among departments and agencies. Among those with the most programs, the Office of Education took on a host of programs with citizen participation requirements in 1972 legislation, but then expanded even further from 1974 through 1976. The latter largely reflected concentrated enactments of vocational education programs. The Public Health Service's noticeable addition of programs requiring citizen participation in the post-1970 period involved a wide range of new grant programs, from Migrant Health Centers to Health Maintenance Organization Development to State Health Planning and Development Agencies. The *Regional Development Act of 1975* amended the Appalachian Regional Commission legislation to mandate that public participation "in the development, revision, and implementation of all plans and programs under this act by the commission, and state or any local development district shall be provided for, encouraged, and assisted." By one stroke this added 14

Table 4-3

FEDERAL GRANT-IN-AID PROGRAMS REQUIRING CITIZEN PARTICIPATION, BY AGENCY AND PERIOD OF TIME IN WHICH MANDATING LEGISLATION OR REGULATION WAS ADOPTED

Department or Agency	Prior to 1960	1960-64	1965-69	1970-74	1975-78	Total
Agriculture				2	5	7
Commerce			5	3		8
HEW	(1)	(3)	(8)	(50)	(20)	(82)
PHS		2	1	12	3	18
OE		1	4	30	15	50
OHDS			1	8		9
HCFA			2			2
SSA	1				2	3
HUD	1			1	1	3
Interior		1			1	2
Justice			2	1		3
Labor	1			3	2	6
Transportation	1	2		1	1	5
Appalachian Regional Commission					14	14
General Services Administration					1	1
Community Services Administration		4		3		7
Water Resources Council			1			1
Environmental Protection Agency	1			5	3	9
ACTION					3	3
Energy					3	3
Treasury					1	1
Total	5	10	16	69	55	155
Percentage	3	6	10	45	36	100

SOURCE: ACIR staff tabulation.

programs to the tally for that year. Finally, eight of the nine EPA grant programs requiring public involvement and all of the ACTION (three) and Department of Energy (three) programs came into being after 1970.

The Programs Without Mandated Citizen Participation

At the outset it was stated that one-fourth to one-third of federal grant programs have citizen participation requirements prescribed by law or regulation. The question might well be asked: which programs do not have such requirements, and why don't they? *Table 4-4* approaches this question by showing for each department or agency (a) the total number of federal grant programs as of January 1, 1978, according to the ACIR's count, (b) the number of programs with citizen participation requirements, and (c) the percentage that the latter is of the former. As explained in an earlier footnote, the data in the two columns are not strictly comparable because of differences in counting,[67] but the similarity is great enough to provide a generally accurate picture.

The table clearly shows a wide range of incidence of participation requirements among the departments and agencies. Among the major departments, 11% of programs in Interior, 17% in Agriculture, and 20% in HUD are on the low side. On the high side are Office of Education with 52%, ACTION with 60%, Energy with 50%. EPA with 26% is slightly below the average. Overall, 31% of the grant programs require citizen participation.

By themselves, of course, these figures are not very meaningful. One would expect that citizen participation would have varying significance in different kinds of programs. Research programs involving primarily the development and use of highly technical knowledge and methodologies might benefit little from the involvement of the public. Many of the EPA, Agriculture, and Interior programs are of this type. On the other hand, one would expect that programs delivering services to people, or to particular segments of the populace, would be highly adaptable to citizen involvement. That premise seems borne out in the degree to which citizen participation is required in programs under the Office of Educa-

Table 4-4

FEDERAL GRANTS TO STATE AND LOCAL GOVERNMENTS: TOTAL AND NUMBER WITH MANDATED CITIZEN PARTICIPATION REQUIREMENTS: BY DEPARTMENT AND AGENCY (1978)

		With Mandated Citizen Participation	
Department or Agency	**Total**	**Number**	**Percent**
Agriculture	42	7	17
Commerce	28	8	29
HEW	(222)	(82)	(37)
Office of Secretary	2	—	0
PHS	70	18	26
OE	96	50	52
OHDS	41	9	22
HCFA	3	2	67
SSA	10	3	30
HUD	15	3	20
Interior	19	2	11
Justice	14	3	21
Labor	23	6	26
Transportation	50	5	10
Appalachian Regional Commission	14	14	100
GSA	1	1	100
CSA	7	7	100
Water Resources Council	1	1	100
EPA	35	9	26
ACTION	5	3	60
Energy	6	3	50
Treasury	1	1	100
Other[1]	15	0	0
Total	498	155	31

[1] Department of Defense, National Foundation for Arts and Humanities, National Science Foundation, Office of Personnel Management, Small Business Administration, and Veterans Administration.

SOURCE: Total: ACIR, *A Catalog of Federal Grant-in-Aid Programs to State and Local Governments: Grants Funded FY 1978*, A-72, Washington, DC, U.S. Government Printing Office, 1979; number with mandated citizen participation provisions: ACIR staff survey and calculation.

tion, the Community Services Administration, and ACTION.

Yet, from a cursory examination of the list of grant programs it is evident that by no means are research programs always excluded from citizen participation requirements, nor, on the other hand, do all people-serving programs have such requirements. Moreover, the inconsistent treatment appears among programs that are closely related functionally and administered by the same department or agency. Thus, in the Department of Interior, Water Resources Research Assistance to State Institutes (CFDA #15.951) has a participation requirement, but Water Resources Research: Additional Projects (CFDA #15.950) does not. In the Office of Human Development Services of HEW, Older Americans Program: Area Planning and Social Service (CFDA #13.633) requires public involvement but the same is not true for two apparently closely related programs: Older American Programs: Model Projects (CFDA #13.634), and Older American Programs: Multi-Disciplinary Centers of Gerontology (CFDA #13.638).

The planning function is an area where public involvement is often found. The planning phase of program or project development seems a logical step in the decisionmaking process at which to seek public input. Yet, by no means do all planning programs—at least those with the term in their titles—mandate public involvement. Those without such requirements include: DOE's Supplemental State Energy Conservation Plans (CFDA #81.043); Interior's Historic Preservation: Comprehensive Planning and Survey Grants (CFDA #15.411); DOT's Airport and Airway Development: Planning Grants (CFDA #20.103); and Commerce's Coastal Energy Impact Program: Planning Grants (CFDA #11.422).

A Typology of Approaches to Standardization of Citizen Participation in Federal Grant Programs

In his testimony before the ACIR with regard to the December 1978 draft report on citizen participation, Nelson Rosenbaum of the Urban Institute proposed that in thinking about standardizing citizen participation requirements in the federal assistance system, a threefold classification might be used: (1) interest representation, (2) clientele control, and (3) community consensus.

The interest-representation model reflects the involvement of organized interest groupings in conflict over relatively narrow and distinct controversies. This is the most common approach and the most "normal" from the perspective of interest-group domination in American politics. The government's task in handling this approach, says Rosenbaum, is to establish basic rules of access, fairness, and efficiency in providing information, obtaining citizens views, and evaluating the competing interests. As basic guarantees of access to the decisionmaking process, they should apply to all grant programs, according to Rosenbaum. They lend themselves to standardization governmentwide.

The clientele control model is distinguished by designation of a particular constituency or clientele group which is vested with some direct form of authority over program operation, because of the comparative magnitude of the program's impact on the designated group. While less susceptible to standardization than the first approach, common factors do exist that could permit a degree of effective standardization.

The third approach, the community consensus approach, attempts to penetrate beyond the organized interest groups to seek the views and interests of unorganized and unrepresented elements of an affected community. Planning and natural resource programs most commonly involve citizens through this approach, because of their broad scope and diverse community-wide impacts. According to Rosenbaum, this approach is least susceptible to standardization mainly because of differences in groups to be included and lack of experience with community consensus techniques.

ACIR staff undertook to identify which of the 155 total grant programs with citizen participation requirements seem to fall in the clientele control and community consensus classes, based again on the language of the statutes and/or regulations. The assigned classifications appear in *Appendix Table 4A-1* in the far right-hand column.

The 12 clientele control programs are distributed among Community Services Administration (five), Public Health Service (four), Office of Education (two), and Agriculture (one). The 36 community consensus programs are in the Appalachian Regional Commission (11), EPA (eight), Commerce (six), HUD and Agriculture (three each), and the Office of Education, Interior, Water Resources Council, Energy, and Treasury (one each).

Summary and Comment

In summarizing, it is necessary to emphasize two basic limitations of this analysis: (1) the data are based on a reading of statutes and regulations—they do not necessarily reflect actual practice; (2) the statutory and regulatory references were supplied, for the most part, by the responsible federal departments and agencies, confirmed and supplemented in many cases by ACIR staff research.

Within these limitations, ACIR identified 155 separate grant programs, as of December 1978, that mandate citizen participation through statute and/or regulation. These are largely of fairly recent origin—81% were adopted since 1970.

Prescription of boards or committees and of the membership of such bodies is the most usual type of mandate. Consumers or clientele served by particular programs are the most frequently represented interest on boards and committees. In many cases, moreover, the legislation or regulation requires that they constitute a certain proportion of the total membership. Next most frequently represented are members of the general public, of functional community organizations and of general community or civic organizations. Ethnic and racial minorities constitute the next most numerous cluster of interests; then come institutions of higher education, economic interests, and parents, in that order. A clear effort is made to distinguish between consumers and providers in board/committee membership, but consumers are much more frequently designated than are providers. Local and other nonfederal governments are also often required to be represented on boards or committees. To some extent the high representation of local governments reflects the increased activity of national organizations of elected local officials, as in programs of the Economic Development Administration and the Labor Department. More important, however, the local government representation is drawn from functional specialists as is the representation of other nonfederal governments, which consists mainly of professional employees in state government. Considering that citizen participation is often urged as necessary to exert more control over growing bureaucracy, it is significant that functional specialists maintain strong numerical representation on these federally mandated boards and committees.

Of the 89 programs with participation through boards or committees, these bodies are confined to advisory powers with the exception of 24 programs involving 17 separate committees. Thus, the principal impact of this primary citizen participation mechanism often stops short of actual decisionmaking. The extent to which the advice offered by these multimember bodies is heeded requires indepth analysis beyond the scope of this report.

Public hearings are the second most common type of citizen participation device prescribed for federal grant programs. They are timed mostly for the planning, project application, or program development stage of the grant process. In the newer environmental programs involving not only plans and programs but also standards and regulations, separate hearings may be required at several or all of these stages.

One-hundred-fourteen of the 155 grant programs mandate types of public involvement beyond boards/committees or public hearings. These vary with respect to the interests involved, the stage of decisionmaking affected, and the types of participation mechanism mandated. These "other" provisions call for participation of the general public in most cases, with or without also identifying particular interests that must be represented. In the "community consensus" type of involvement, the emphasis in these provisions is heavily on representation of the general public.

When the timing of the "other" types of participation is specified, it is usually set for the planning or program development stages of the decisionmaking process. Also, in most of these programs, no particular type of participation mechanism is prescribed. When prescribed, the requirements run heavily to the elements of administrative procedures acts: due notice, access to public records; opportunity for review and comment; and the like.

As might be expected, the department with the greatest number of grant programs and the largest proportion of people-serving activities—HEW—dominates the statistics on participation requirements. Moreover, within HEW the dominant agency is the Office of Education because of its large share of total programs. Board/committee membership is the principal means of Citizen

Participation in HEW programs; public hearings are little used. Parents, students, and local school districts are the chief interests represented on boards and committees.

Other departments use a variety of different mechanisms and diverse patterns of representation of particular interests. The community consensus type tend more toward inclusion of a range of interests, the use of a variety of techniques, and involvement of the citizen in several steps in the decisionmaking process.

The 155 grant programs with public participation mandates account for one-fourth to one-third of all current programs of grants to state and local governments. That two-thirds to three-fourths of the programs are not subject to mandatory public involvement raises the strong presumption that citizen participation is not consistently mandated by the federal government. An examination of provisions of the mandating laws and regulations fortifies this presumption inasmuch as similar programs within the same department or agency, or programs in the same functional area, or programs dealing with like phases of the decisionmaking process—such as planning—differ in respect to whether they do or do not require citizen participation. There is the additional significant fact that the programs that do mandate citizen participation differ considerably with respect to the types of mechanism employed and the detailed application of those mechanisms.

To achieve greater consistency among citizen participation requirements in federal programs, one knowledgeable observer has suggested a three-pronged approach based upon three different kinds of citizen participation needs. The three approaches are: the interest-representation model, which would assure certain minimum types of access to decisionmaking in all grant programs; the clientele control model, limited to where it is important that a particular affected group have some degree of control over decisions; and the community consensus model, where it is important to reach out to ensure inclusion of interests that are not usually represented in decisions that affect them, through lack of initiative or organization. According to ACIR staff estimates, the existing programs with mandated participation include 12 of the clientele control approach, and 36 using the community consensus model.

Citizen Participation in Selected Grant Programs: Five Case Studies

To obtain a better picture of the origin, evolution, problems, and effects of federally mandated citizen participation requirements, ACIR staff focused on five major grant programs. These are: the community health center program, Title XX of the *Social Security Act* (social services), the coastal zone management program, community development block grants, and the General Revenue Sharing (GRS) program. They were selected as important programs with rather different histories and citizen participation requirements. They are not necessarily representative of the 155 programs identified earlier, but do constitute a range of federal programs and participation practices and, in some instances, pose very different issues. GRS is included for the additional reason, of course, that the 1976 legislation extending the program requested this study and the legislation mandates significant new citizen participation requirements for state and local governments.

COMMUNITY HEALTH CENTERS

Community health centers (CHCs) are public or nonprofit private organizations created to plan, develop and operate programs to improve community health care. Their major goal is to improve the health care delivery system in medically "underserved" urban and rural areas. The Public Health Service (PHS) may make planning and initial funding grants to the centers whenever it determines that existing health systems do not provide quality care to the community.

Community health center grants were originally authorized in 1966.[64] They were intended to promote flexible and innovative approaches to health care delivery. Before any grants were made, however, the program was transformed into aiding ambulatory or comprehensive health care programs in service areas with low or nonexistent health care services. The first neighborhood health centers were funded in 1968 and were based on a model for health care patterned after health centers funded under the *Economic Opportunity Act*. Later a number of OEO centers were transferred to the Public Health Service in HEW.

Congress found evidence linking neighborhood health centers to improved health of at least some users and also to decreased hospital utilization.[69] New legislation, the *1975 Health Services Act*, changed the name of neighborhood centers to community health centers. The measure also proposed to support the centers at a higher funding level and to provide standards which would eventually make them self sufficient. That time would arrive, in the words of Senate Report 93-1137 "when public and private insurance have expanded sufficiently to cover the range of services offered by the centers."[70] The final bill embodying these views was passed over the President's veto. The administration resisted the proposed funding levels and preferred that narrow categorical grants be folded into the existing health care delivery system.

Funding has been less than originally envisioned. In Senate Report 93-117, $460 million was proposed, but, in fiscal year 1977, PHS could commit only $215 million to existing CHCs and some other primary care centers. Individual grants ranged from $25,000 to $4,000,000, far from the largest share of a typical CHC budget. In HEW Region II, which includes the State of New York, CHC budgets ranged from $1.3 to $13 million including grants.

The most common type of CHC was a nonprofit corporation. Seventy-seven of the 164 CHCs fell into this category, while 47 were community action, Model City, or similar agencies. Fifteen were city or state agencies, 13 were hospitals, and 12 were educational, health, or medical society institutions. Funding decisions have been decentralized to the regions, and grants can be made initially for up to five years. Some centers have received funding for a decade or more, particularly if they grew out of the Community Action programs.

Citizen Participation

Until 1978, there was relatively little evidence in the legislative history that community and consumer participation in the CHCs was a major concern of Congress. The background commentary in the 1974 Senate report contains no comment on the subject, and only one sentence in the discussion of planning and development grants refers to formal citizen involvement. It indicates that the grantees should, with other requirements, "initiate and encourage continuing community involvement in the development and operation of the program."[71] Later the report indicates that the Secretary, in awarding grants, must determine that a governing board has been established and that it is comprised of a majority who are "being served by the applicant [grantee] and who collectively represent the community." The report suggests monthly meetings and the power to select the director, approve the annual budget, and set center hours. The center (applicant) is also to create a professional advisory board with the professional staff represented on it. The lack of detailed commentary is balanced, of course, by the fact that existing CHCs had citizen governing boards and many had had citizen involvement in their earlier activities under the Community Action and Model Cities programs.

In keeping with the intent of the legislation, centers are to provide services in the language and cultural context most appropriate to bilingual and bicultural individuals.

During the testimony before the Subcommittee on Labor and Public Welfare in 1974, some evidence was presented that "consumers" knew best what kind of programs were needed and how to administer them, although this mostly referred to migrant health centers, another part of the bill. Most of the testimony was from those formally representing the poor or from some kind of local organizer. Nowhere in the legislative history, however, is there the kind of information that accounts for the specific size and makeup of governing boards which finally appeared in the *Federal Register*. One view is that the citizen participation requirements were developed from the experiences of the Office of Economic Opportunity.[72] If that is true, control by the board is intended to be meaningful and strongly oriented to community action.

The regulations seem consistent with that interpretation. The governing bodies of nonprofit grantees must have a majority of consumers (clients in the area who have used the medical services). They are to "represent the individuals being or to be served in terms of demographic factors, such as race, ethnicity, sex."[73] The balance of the committee may consist of providers (up to 25% of the full committee) and representatives of the CHC service area. These latter individuals are to be selected "for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies within the community."[74]

Boards must contain between nine and 25 members, with the average from 15 to 20. Selection of members is governed by the governing body rules. These rules reflect the needs of the governing body, which vary with the demographic makeup of the catchment (service) area. "Democratic selection" or selection of governing body members by the incumbents, is frequent, although election is preferred by HEW. A new community health center board is generally made up of activists in the area who may have been part of the original advisory board. After some time, permanent boards usually create a nominating committee which seeks out new members and tries to assure that board membership mirrors the area and maintains the consumer-provider relationship. These nominating committees look for local influentials and representatives of important groups. The most common pattern is for community leaders to be appointed while consumer representatives are elected. This pattern occurs primarily after a board becomes stabilized in its governing pattern. New boards, as in a change from a hospital to a community agency as grantee, usually blanket in the existing advisory board and seek out other representatives by appointment.

Boards are required to hold monthly meetings, appoint the executive director, set CHC policy, establish personnel rules, adopt a financial management plan, evaluate center activities, assure that the center is operated in conformity with federal, state and local laws, and adopt health care policies such as scope and availability of services, location, and hours. In practice, the board is usually limited to policy questions, while the chief executive officer is largely responsible for day-to-day operations.[75]

HEW Review

The CHC program is largely administered and supervised by HEW regions with the number of centers in any one region ranging between 17 and 184. Grant proposals are continually reviewed, and in some regions a double review takes place. A regional consultant is responsible for the whole CHC program and program officers are assigned to specific projects and centers. Citizen participation is one of a range of criteria used to evaluate each center, with the other criteria related to the quality of medical care. About three or four site visits are made annually to each center, and a review of the governing board minutes takes place. If a center requires more attention, regional representatives may spend a good deal of time in review and attend a number of board meetings.[76]

Board Issues and Activities

A critical board responsibility is staff selection. The most important choice is an executive director. Here, boards occasionally become embroiled in controversy. When a choice is made, occasionally the decision is unacceptable to regional Public Health officials, who have in the past vetoed choices. Regions require vitae for nominees to be sent to them for approval. Many directors are generalist administrators rather than MDs. The latter generally occupy the professional staff positions.

Most of the differences among board members are presumed to be rooted in the different interests of consumers and providers, but this is not always true. Frequently, providers and consumers have the same interests.[77] At the same time, providers usually are more often concerned with the quality of health care than consumers. In any case, it is usually difficult to enlist as many providers as the law allows, since "underserved" areas, by definition, lack providers. When they are present and interested they are influential, but on many or most boards, consumers heavily predominate in numbers. It is sometimes also difficult to attract community leaders to a board.

A review of the actions of three boards in New York State during early 1977 brings these comments into focus.[78] Since all of the boards were changing from advisory to governing, final composition of the governing body was incomplete. Even so, in only one of the boards did women make up half the membership. There was considerable evidence of earnest attempts to recruit members of all types, from lawyers representing the community to a number of consumer representatives. The search was made more difficult by the prohibitions against center employees or their blood relatives holding board membership. Often, center employees, such as medical doctors, were virtually the only providers available for board membership. Employees in effect were represented by the executive director who can be an ex officio member of the board without voting rights.

The attendance rate at the three CHC board meetings ranged from 70% to 100% with similar rates at those committee meetings which were reported to the center board. The meetings were similar to a very large town or village council made up of working class people with a professional manager. Hence, the need for training new center board members has been stressed by regional Public Health officials and is a perennial concern of board members. Every meeting is marked by announcements of training sessions and the assignment of individuals to them.

Effect of Legislation

The *1975 Health Services Act* did not greatly affect participation activities associated with community health centers. It tried to establish the principle that additional support was needed until the centers can become self sufficient. In effect, the legislation endorsed the programs generally carried on by the old neighborhood health centers with Congressional concern centering on specific types of health care standards.

The CHCs involve the classic form of citizen participation, since their governance is in the hands of clients chosen from the population they serve. This is, of course, based on the theory that "consumers" are the best judges of what is appropriate health care policy in their geographical setting. Congress apparently saw no need to question that theory.

The legislation had little direct effect upon the actual extent of citizen participation. The present levels of participation and community control existed prior to the 1975 legislation, and there is no evidence in the record of any significant Congressional interest in changing policies relating to participation or control of the governing board by the community. Yet, several related questions do inevitably arise.

The first is the length of time for the CHCs to become self-sufficient. The Senate report implied this would be when "public and private insurance cover the range of services offered by the centers," potentially a long commitment for subsidies. The second issue involves the role of consumers of health care treatment and their effectiveness and role on governing boards. The legislation dealt directly with neither question. In the case of consumers, it merely supported the existing policy of a community governing body made up of a majority of consumers. The question of self-sufficiency is really avoided by implicitly promising support until client insurance can cover costs to the extent of private hospitals.

It is unlikely that generally low-income lay citizens who are consumers of health services in their area can effectively govern CHCs at a time when self-sufficiency still is a distant goal. The matter may even be beyond the grasp of much more highly trained and educated individuals. Many boards are not operating effectively under lay control, while there is no evidence that the new legislation will solve the problems of those that are not. Thus, the legislation creating CHCs represents a holding pattern in the sense that community controlled boards have received a vote of support at the Congressional level.

TITLE XX OF THE SOCIAL SECURITY ACT

Title XX of the *Social Security Act* was the culmination of a long and protracted debate between HEW, Congress, and a number of diverse interest groups involved in social services. Gradual amendments to the social services program since the early 1960s had substantially increased its coverage. In an attempt to encourage states to expand coverage, both control devices and definitions of eligibility were changed. As an unintended consequence, it became possible for states to charge the federal government 75% of the costs of providing many social services formerly funded entirely from state/local funds. Faced with a projected $4.7 billion federal share as a consequence, Congress in 1972 imposed a limit of $2.5 billion. However, HEW had difficulty developing regulations setting eligibility limits which were acceptable to the states and Congress. A compromise, *P.L. 93-67*, was finally passed and signed into law in January 1975.[79]

Under Title XX, the federal government matches 75% of state expenditures. Some rather prescriptive rules must be followed, but once these are met the federal contribution is automatic. The legislation spells out five special service goals—self-support, self-care, protective services for children and adults, prevention or reduction of institutionalization, and institutionalizing those who require care. A state must offer family planning and at least one service in each of the five goal areas.

The significance of Title XX for public participation is that the planning process was required to be made public and explicit. Prior to Title XX, state social services decisionmaking was a fairly "closed process, often dominated by the social service agency leadership."[80] States had moved away from purely welfare type payments, and into programs such as mental health because of the open ended grant provisions. Yet, there was still a close linkage between social service spending and state-federal bureaucratic functional linkages. Title XX tried to open this system and also decategorize social service programs by not requiring that an individual be on public assistance to obtain services. In addition, regulations of the administering agency, the Social and Rehabilitation Service (SRS), were rather restrictive and many members of Congress viewed Title XX as a way to loosen these constraints.[81]

1975-76 Experience

Whether or not Title XX "opened up public participation" depends largely upon one's concept of public participation. More participation exists now than before Title XX, when involvement was largely limited to professionals and service providers. Some commentators feel, however, that the requirements fall short of desirable levels. Specifically, they point out that the regulations were drafted hurriedly for the first submissions in 1975-76, and included relatively few participative mechanisms, i.e., (1) making the proposed state services plan available to the public for 90 days before the program year with 45 of these days available for comment on the plan, (2) requiring newspaper display advertisements and news releases, (3) making public hearings an option, (4) providing a toll free or local phone number, (5) requiring publication of public officials' addresses for obtaining documents or copies, and (6) distribution, free of charge, of plan summaries.

The final plan had to be publicized in much the same way and had to indicate the differences between the proposed and final plans. The state agency did not have to act on suggestions, only receive them, a practice that drew considerable criticism. The critics argued that citizens should be involved in the actual process of developing the plan rather than making comments on a specific plan which would most likely be too late for inclusion.

States generally used one or more of five participative mechanisms in the 1975-76 program.[82] Letter writing was common as a response to the proposed plan. Public meetings were used to disseminate program information and to answer questions from citizens. Some meetings were aimed at special interests and special locations. Public hearings were held to solicit testimony, information and opinions from the general public, although they were sometimes dominated by special interests. The most effective hearings were those held in the plan development stage rather than on a proposed final plan. In many cases, surveys and questionnaires were used in assessing needs and setting priorities, although their reliability was always a problem. Finally, advisory councils were used frequently to provide more depth to participation, even though it was feared that providers would dominate councils.

The five mechanisms were used in varying combinations in 23 states and the District of Columbia during the first year. Twenty of the 24 jurisdictions used advisory councils, public hearings or meetings, or surveys to develop this plan. Some were more limited than others, but all 20 exceeded the SRS guideline minimums. Fifteen states used one or more advisory councils, although Rose, Zorn, and Radin claim that public and private service providers were overrepresented on these councils.[83] Nine states provided for hearings or meetings, with as many as 18,000 in attendance in Georgia, which held two hearings in each county.

Surveys varied greatly, from telephone polls to questionnaires by mail. Public-at-large sampling, however, was not common, since providers were the specific target groups in eight of the 11 states using the survey device. States such as Nebraska and Georgia, which did use a survey aimed at the general public, got significantly more responses, as might be expected.

During the review and comment period on the final state plan, 18 states provided for public hearings. Most were held at a variety of locations. Total attendance varied, reaching as high as over 3,000 in Georgia's 100 public hearings.

Other parts of the requirements generally were met, particularly the availability of service plans at a reasonable fee. All of the basic information that had to be included in the plans was included, but the form of presentation varied greatly and often was confusing or vague.[84] Written comments varied in number from 20 in one state to 1,363 in California. Only Indiana provided no participative mechanisms in addition to written comments, and thus 23 of the 24 states surveyed exceeded the federal minimum standards.

Rose, Zorn, and Radin noted that service providers dominated the process in most of the 24 states because of their resources, interests, and familiarity with the program. This was at least partly because providers were heavily engaged in the early planning process.

The states chiefly relied on after-the-fact evaluations, rather than developmental planning, as called for by the federal regulations. Yet, 20 of the 24 states did have some mechanism for citizen involvement in the planning process. Finally, intensity of participation solicitation by states varied substantially, in part because of varying budget cycles, in part because of the delayed federal regulations, and in part due to variations in state perception and assessment of the value of participation.

Evaluation of Participation

The Urban Institute made a study of statewide Title XX participation in five states for the Social and Rehabilitation Service. A substantial number of interviews were conducted in North Carolina, Oregon, Iowa, Michigan and New York. The study concluded that the first year of Title XX "was much more open" than the pre-Title XX participation process. It predicted that openness would continue to increase, despite considerable difficulty in obtaining widespread involvement by low income consumers of social programs.[85]

The role of the Governor was found to be more influential under Title XX than previously, although the agency leadership still was more influential. Service providers (e.g., day care homes, foster care homes) had less influence than might have been expected—less than the agency leadership and the Governor. Other official groups such as the state mental health agency and the regional social service staff also were active and influential. Unfortunetely, as noted above, consumer client participation was low and was expected to remain so.[86]

The picture then is of a system dominated by sets of public actors such as the agencies, the Governor, and the legislature with outside groups still highly influential. Apparently, producers and organized groups such as day care centers, family service agencies, and rehabilitation industries continue to be well supported.[87] Even so, Title XX, after the first year, may have changed the rules of the game and benefitted the Governor or the legislature at the expense of agency heads. However, low income clients are not significant actors.

Level of participation in the states was not unexpected. The Brookings Institution noted that substantial political activity was expected for a part of the $2.5 billion. It found that the "day care people" were deeply involved and well organized, so much so that in one state they went directly to the legislature and wrote into the social service appropriations bill the amount to be spent on day care. Political forces change, however, and it may well be that the aged and handicapped will get significantly larger shares in the future. In any case, the Brookings researchers concluded that providers of funds or organized groups who wanted funds participated much more heavily than the "general public" who were much less active.[88] This finding, of course, parallels that of Rose, Zorn and Radin.

The SRS staff was generally satisfied with the results of state participation in the first year of 1975-76. In several cases, public hearings resulted in state modifications of proposed plans. Even so, the regulations were changed considerably in early 1977, generally to strengthen the plan development process which all parties seemed to view as critical. The new regulations included a statement of purpose about the public review process emphasizing "*prior* public participation of Title XX clients . . . throughout the development of the services plan."[89] They also provided for public access to comments on the proposed plan, and detailed further the types of publication requirements. Publication in the news section instead of the legal section was stipulated and some notification details relative to eligibility, funding allocations, and dollar incomes were set forth. Other than these, however, the specific mechanisms were not significantly modified. Except in the hortatory statement of principle, states are not required to provide any particular participative mechanism in the plan development process.

Impact of Participation Requirements

Participation in the initial Title XX grant process among the various states was probably at least as much as Congress anticipated. The Senate and House conference report did not specify much in terms of detailed requirements, other than requiring public comment on a proposed services plan for 45 days, publication of a final comprehensive plan after the public comment period with the report outlining the differences between the proposed and final plan, and 30 days of public commentary on proposed amendments. Regulations in general expanded these provisions by requiring states to publish descriptions of the plan in newspaper advertisements in major geographical areas, establish toll free telephone service for inquiries and other similar measures to assure wide public availability.[90]

The evidence shows that 20 of the 24 states studied exceeded minimum participation standards, and some states experienced substantial participation. One may conclude that providers were better organized and dominated the process as Rose, et al., did, yet still be optimistic over the increased levels of participation as the SRS staff and Brookings were. However, additional requirements would probably not have increased participation. At the same time it also is clear that the federal requirements did result in more participation than would have occurred otherwise.

The Social Services program involves a number of well entrenched interests and professional organizations. Title XX proposes, in effect, to bring or attempt to bring in hitherto unheard voices, such as the poor and unorganized. New actors have become involved, such as other state agencies and Governors, but low income clients have not been influential, even under the revised participation guidelines.[91] Here, of course, one of the basic questions relating to citizen participation is raised: participation for whom?

THE COASTAL ZONE MANAGEMENT PROGRAM

For some years prior to the passage of the Coastal Zone Management program in 1972,[92] pressure had been building up for the legal protection of coastal habitats, particularly estuaries with rare marine life. States such as California and Florida had large expanses of heavily populated coastal zones, but other states also found their coasts under developmental pressure from commercial, recreation, fishing, and other users.

Studies were authorized to assess the appropriate action to be taken. The Department of Interior published two reports, the *1969 National Estuarine Pollution Study* required by the *Clean Water Restoration Act*[93] and the *1970 National Estuary Study* required by the *National Estuary Protection Act of 1968*. Both studies suggested a federal-state management system for coastal studies. Preceding these studies was the Commission on Marine Science, Engineering and Resources report in 1966, *Our Nation and the Sea*, which called for a management system to protect coastal areas. This system was to be a federal-state program with primary responsibility at the state level under a National Oceanic and Atmospheric Agency.

Legislation was introduced in 1969 for coastal management and debate began over several crucial issues: whether to enact coastal zone management as part of a national land use law; how to allocate costs and management between the states and the federal government; and whether the federal agency should be in the Interior or Commerce department. In the legislation signed in October 1972, Congress decided that coastal areas warranted separate attention rather than being included in a national land use law, the Commerce Department was the proper organizational location, and the program should be state managed with federal support in both the planning and implementation stage. The program is managed by the Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration of the Department of Commerce in Washington, DC, with regional coordinators for the major regions such as the Pacific Coast, Great Lakes, Atlantic and Gulf Coast.

OCZM Grants

OCZM grants are designed to help the 35 eligible states and territories plan and administer coastal zone management programs and acquire estuarine sanctuaries, and to encourage cooperation between local, state, regional, and federal agencies in preserving coastal areas. The matching formula is 80% federal, 20% state, with the allocation formula based on the miles of shoreline and the population located near it. Since states manage their coastal areas, the grants are designed to foster a process by which states can develop the plans and administrative expertise to manage these coastal resources. On the other hand, there are substantive questions that the plan must take into account. The major one is facility siting, which requires that the national interest in energy development be considered in developing coastal use plans. This means that oil, gas, and other energy producing industries must be given formal consideration along with often competing interests. Section 308 of the Coastal Zone program establishes the Coastal Energy Impact Program (CEIP)[94] and under it states participating in the CZM program or independently developing a consistent program are eligible for funds for planning new services and reducing or preventing losses of environmental or recreational resources due to energy activities, particularly gas and oil exploration.

The state plan must contain elements covering the protection of marine estuaries, erosion control, and public beach access. Public participation throughout the planning process is intended to prevent any one of these interests from being ignored.

One of the sticky process questions is the "federal consistency" requirement. This means that federal agencies, whose direct activities impact on coastal zones must coordinate and cooperate with each other and with the approved local management plan for such areas. Many federal agencies are not anxious to defer to state plans and at least one citizen group has argued that citizen participation is crucial in monitoring approved plans to assure that all agencies (state, local, as well as federal) comply.[95]

Participation Requirements

The requirements for public participation are more carefully spelled out in the legislation and the regulations covering CZM than in most federal programs. Part of this is due to the nature of the program, which inherently involved the resolution of conflicting interests, thus requiring more formal and far reaching attempts to elicit all possible views. Part, however, is due to Congress' basic concern here with specifying the nature and type of participation. The Senate report on the bill noted as a matter of public policy that participation of the public; federal, state, and local governments; regional agencies; and port authorities was to be encouraged.

> The words "participate and participation" mean more than cooperation or coordination in the preparation of management programs. The committee intends to emphasize the need for positive participation by state agencies, local governments, regional, and federal agencies in the preparation of the coastal zone programs.
>
> Public hearings must be announced at least 30 days in advance with relevant materials, documents and studies available to the public 30 days in advance of the hearings. Broadly based public participation in the planning for the coastal and estuarine zones is basic to this legislation. Unfortunate experience with comparable provisions of legislation prompts the committee to provide explicit standards for notice and hearings. Those standards provide not only for adequate notice of proposed hearings in order to provide ample time for preparation, but also require all relevant documents, materials, studies, and proposed actions to be available to the public for advance study and preparation.[96]

The House report notes that public hearings are intended to be in addition to any other legal requirements and "do not replace any other remedies available to the public."

Most of the participation requirements affecting the CZM program are spelled out in detail in 15 CFR 920.30-920.32;

> Public participation is an essential element of development and administration of a coastal zone management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the coastal zone, and public support for the management program can be generated. Participating states, then, should seek to obtain extensive public participation in the development and administration of a coastal zone management program (920.30).

The type of preparation for and conduct of public hearings is specified in some detail.

1. Hearings must provide at least 30 days of public notice.
2. They must be of a "press release" type as well as meeting formal legal notice requirements.
3. Hearing materials which include the (1) agenda, (2) data, and (3) other documents must be available for public review in the locale of the hearing.
4. Only one hearing is required, although the context of the section calls for extensive hearings. "In reviewing the plan submitted by a state, the Secretary will not approve any plan unless there has been a full and effective opportunity for public involvement in every portion of the plan."
5. Hearings must be held in geographic areas which would be principally affected.
6. They must be held at times when affected parties can be present (i.e., summers for tourists using beach areas).
7. Summaries of the hearings should be prepared and made available to the public within 30 days of its conclusion.

Additional means of participation are also outlined.

1. Arrangements for exchanging information and reports among state and local agencies, citizen groups, special interest groups and the public at large should be established.
2. The state should solicit the views of relevant federal and state agencies, local organizations, port authorities and interested parties.
3. Mechanisms such as the following should be developed by the state:
   a) citizen involvement in the development of goals and objectives,
   b) citizens' advisory commissions for the CZM agency, and
   c) review of elements of the management program by selected citizens groups and the general public.

An important element of public participation that emerges from both the legislative history and from the specific requirements is the full cooperation and participation of local units of government. The House report[97] required that the Secretary of Commerce, in making an administrative grant for an approved program, must find that the state has coordinated its program with applicable plans already existent in its coastal area (assuring that local land use plans will be considered). The Secretary must find that the state has provided for continuing consultation and coordination with all responsible local governments and various agencies to assure their full participation in carrying out the purposes of the legislation.

The original hearings contained considerable discussion of how and to what extent the public should be involved. At some points, this involved the touchy relationships in this subject area between localities and the state. At least one mayor indicated concern that the proposed legislation not reduce the role of local units. At another point, a representative of the Izaak Walton League expressed doubt about the effectiveness of public hearings since they often came too late in the process.[98]

The final legislation clearly declared that local units of government, including port authorities and regional organizations as well as traditional units, were to be jointly involved with state and federal agencies, the general public, and public and private interest groups.

Oregon and California

To appraise citizen involvement in the CZM program more closely experience in California and Oregon was examined. Public participation was substantial in the development of the coastal plans for these two states. Oregon's plan, developed under Section 305 funding, has been adopted and the state is now receiving Section 306 money (administrative grants for states with approved plans). California has completed a state plan and a draft environmental impact statement (EIS) had been completed by the OCZM as of June 1977.

In California, the state was divided into six regions with six commissions for preparation of the original plan because of the requirements of the 1972 Coastal Initiative[99] adopted by statewide referendum. A statewide commission was required to adopt a plan after preparation of the regional plans, and submit it to the legislature for enactment. About 6,000 persons attended the 259 regional commission and several statewide commission meetings, submitting some 8,000 pages of written comments. An estimated 10,000 individuals and groups were involved in the coastal planning process, and a total of 20,000 persons received planning material. The number of parties from whom comments were requested on the draft EIS statement is partially indicative. There were 40 federal agencies, 36 national interest groups, five professional groups, nine national public interest groups, and 47 other private groups. A few of these varied interests included EXXON, the League of Women Voters, the Association of California Loggers, Keep Pacific Scenic, Clyde Woodward Associates, Friends of the Earth, and the Sport Fishing Institute.

Oregon is a smaller state with about 10% of California's population. Thus, the EIS statement provided a more detailed explanation of public participation in the preparation of the plan. In establishing the statewide goals, 28 public workshops were held throughout the state with attendance ranging from 36 to 209 with a total attendance of approximately 3,000 people. Television and radio public announcements were made plus a mailing of 75,000 invitations to randomly selected individuals. The first workshops identified subjects to be studied, followed by 28 more workshops with some 2,500 individuals attending to refine the goals. These latter workshops were aided by 17 technical advisory committees and a statewide agency advisory committee. After public markup sessions, ten more public hearings were held throughout the state to select the final goals.

Coastal goals were formulated over a three-year period. The heaviest formal participation was in 1976, when 21 afternoon-evening public hearings were held on different drafts of EIS. Some 420 individuals and groups testified with 1,400 citizens in attendance. Eighty-five "Coastal Awareness" meetings were held in the fall to answer questions which arose from the public hearings. Attendance ranged from three to 240.

After the plan was completed, the federal OCZM conducted an EIS hearing, as in California. Seventy-one private parties as well as over 20 port authorities and 34 federal, state, and local agencies submitted comments.

Informal Technical Assistance

OCZM staff members spend a good deal of time working with states on participation, often providing technical assistance on how to elicit citizen involvement in proposed state programs. Regulations for the review of state management programs call for an evaluation that

> . . . will not in general deal with the wisdom of specific land and water decisions, but rather with a determination that in addressing those problems and issues the state is aware of the full range of present and potential needs and uses of the coastal zone, and has developed procedure, based on scientific knowledge, public participation and unified governmental policies, choices and decisions.[100]

An example of informal support for a broad participation program occurred in Georgia, where a staff member of OCZM met with a staff member of the state agency to help develop a public involvement program. After consultation, the proposed state program involved among other things: (1) preparing a 20-minute film and provision of a speaker for civic and special interest group meetings, (2) providing legislators with an information package, (3) using questionnaires to determine the opinion of local government officials, (4) holding a series of public meetings, (5) coordinating a workshop with the county extension agencies particularly in coastal counties, (6) producing public affairs television programs and other TV and radio public service announcements, and (7) arranging a radio interview with the Governor.

Impact of Federal Participation Requirements

Extensive public participation occurred in both Oregon and California in the preparation of coastal management plans. Local governments were involved in both states, as well as a number of port authorities in Oregon. In California, the Coastal Commission established by a citizen 1972 Coastal Initiative was not directly responsive to local interests, since it had been created to see that statewide interests in the conservation and development of the coastal area were protected. Yet, the control of local land use was restored to local units by the legislature after adoption of the *Coastal Act of 1976*. Localities must now draft a detailed plan.

Comparison of the apparent results in these two states with the specific federal legislation does not clearly indicate that the federal requirements were of truly major significance. In both cases, the level of participation seems to have exceeded what would have been considered the minimum levels anticipated by the regulations.

Extensive hearings were held in both states, and in a number of geographic areas. In California, a statewide vote on coastal management preceded the federal program. In both states, there were a number of advisory committees and thousands of citizens were involved.

The reasons for this level of involvement are obvious. Great issues are at stake in both California and Oregon. The vast majority of California citizens live in coastal counties. This is manifested by the passage of the Coastal Initiative, and it is probable that what happened would have occurred with or without federal requirements or the CZM program. Oregon is a small (in population size), homogeneous state noted for its strong environmental interests and activity. Much of the state's tourist, fishing, and agriculture activity takes place in coastal counties. It is not clear if a coastal management program would have been initiated without federal help, but the levels of participation exceeded what was necessary to meet minimum standards.

Both states, then, are atypical. In this sense, it remains to be determined what effect federal participation requirements will have on state activity nationwide. A more complete test will arise when states with less at stake economically or socially undertake final plans including public participation.

Perhaps the most important aspect of the CZM program, in terms of citizen participation policy, is that Congress recognized that the legislation would finance a process in which there would be a substantial clash of interests. It could be argued that this was almost explicitly anticipated, and that the federal message was that all concerned parties were to be involved in the process of developing a plan. It may be that where interests can be identified and can be expected to involve themselves in a highly competitive arena, explicit rules for participation are needed while they may be of less importance in less politically charged areas.

COMMUNITY DEVELOPMENT BLOCK GRANTS

The Community Development Block Grant (CDBG) program, managed by HUD, was enacted in 1974[101] and re-enacted with some changes in 1977.[102] It consolidated seven categorical grants including model cities, urban renewal, basic water and sewer facilities, open space and historical preservation. The initial three-and-one-half-year authorization was $11.3 billion, of which about $3.75 billion was committed in FY 1977 to some 725 cities and counties. Metropolitan cities over 50,000 and some counties over 200,000 plus some nonmetropolitan cities with previous urban renewal or Model Cities grants were eligible.

Community development is not defined in the legislation, but generally refers to a wide range of programs and policies designed to rebuild and preserve urban areas and improve the lives of their residents. It leaves localities wide discretion concerning the specific elements of each unit's program.

The act has relatively few specific participation requirements. Applicants must provide satisfactory assurance that they will (1) provide citizens with adequate information on the amount of funds available and the range of activities that may be undertaken, (2) hold public hearings to obtain citizen views, and (3) afford citizens an adequate opportunity to participate in the development of the application. HUD requires that two public hearings be held.

The law and legislative record indicate that the citizens of principal concern are the low and moderate income residents of an area affected or likely to be affected by housing and community development activities. Thus, CDBG programs are to be directed toward low and moderate income neighborhoods and their residents rather than primarily citywide programs.

Congress wrestled with the question of citizen participation in the 1974 law. The original Senate bill contained more explicit requirements for participation than the House measure, many of which were not contained in the final version.[103] These included requirements for a public hearing prior to land acquisition and a public hearing or publication of application prior to submitting the community development grant proposal. The Senate bill also proposed to require applicants to involve residents of community development areas in the execution of community development activities and to provide adequate resources for their participation. The conference report indicated that these were discretionary rather than mandatory matters.

The Senate Committee on Banking, Housing, and Urban Affairs' original report had indicated that

> . . . there is no single, commonly accepted definition and (the committee) concluded that a number of methods could be utilized by localities in meeting the requirements of the bill for adequate citizen participation. Under some circumstances, public hearings would be sufficient. Under other circumstances, other forms of community involvement would be sufficient. Provision for reasonable prior notice, information and expression of opinion would be among the elements of any acceptable program. Section 308(d) would require that the community development agency hold public hearings or publish its proposed application 30 days before submitting it. The committee concluded, however, that it would be unwise for it to frame a single model for citizen participation; but instead, decided that program objectives would be better served by relying on local governments to develop acceptable models for citizen participation taking into account the varied traditions and public institutions that have grown up in U.S. communities.[104]

This suggests the rationale for HUD's disinclination in its regulations to specify the manner in which general purpose units of local government ought to relate to their citizens.[105]

HUD did not specify any particular mode even though the CDBG funds had "folded in" neighborhood groups originally funded by model cities grants. Many of these groups expected that they still would have a substantial role in the program, even though the law clearly did not require it. HUD did not want to detail the procedures, process and local structure for local participation. It believed that participation in the law referred to advice and consultation rather than any veto power over local government actions, and that participation did not mean that the applicant city or county had to submit a prescribed program.[106]

HUD Evaluations of the 1974 Act Impact

HUD has completed several internal evaluations of the CDBG. The first was a report to the Senate Subcommittee on Housing and Urban Affairs in 1976.[107] It concluded that while participation levels varied from city to city, all communities receiving grants met the law. They held at least two hearings, provided an opportunity for citizen participation to citizens and published notices of hearings. Cities surveyed by the Office of Evaluation rated citizen participation the most influential of several factors in developing grant proposals and a majority of the cities also indicated that there was an increase in the degree of citizen participation.

HUD's second annual report on the CDBG program covered some of the participation experience in detail.[108] It reported that the most common method localities used to involve citizens in the CDBG application planning and preparation process was by inviting citizens or groups to submit proposals. Eighty-eight percent of all cities surveyed used this technique to some degree. Other common techniques involved forming an advisory committee to help prepare the plan (73%); relying on existing boards or committees (71%); developing a citizen survey of some sort (62%); using an existing project area committee (41%); and continuing the elected Model Cities commission (6%).[109]

Public hearings were quite common, with three-quarters of the cities holding more than the required two hearings. About a third of all the cities held seven or more hearings. Over 80% appeared to have a citizen advisory board, usually a reconstituted citywide body. Some boards were based on neighborhoods with representatives elected on this basis. On the issue of representativeness, however, 27% of the cities were rated as unsatisfactory in representation of low to moderate income groups on the boards; and of residents citywide, 30%.

The HUD report measured citizen impact by its apparent influence on determination of priorities, selection of activities, and choice of locations where activities would be placed. In a survey of 724 entitlement cities, local officials were asked to assess the importance of various factors in selecting activities in general, and in determining the level of social service expenditures for the second year application. Eighty percent of the cities reported that citizen participation was an important influence on selection of activities and 43% indicated that it influenced the level of social service expenditures. HUD concluded that citizen participation was an important, but not predominant, factor in influencing program content.[110]

In a survey of citizen recommendations on their city's choice and location of CDBG activities or projects, HUD found overall that 78% of the recommendations were accepted completely, 7% were accepted in part, and 16% were rejected. Only rarely were citizen efforts thwarted by actual rejection of their recommendations. The level of impact was associated with the representativeness of the citizen advisory structure and, not unexpectedly, citizen satisfaction was found to be higher in cities where citizens had been active in making recommendations and successful in securing acceptance of their proposals.

Complaints on the citizen participation process, however, were the most frequent of all complaints received on CDBG. These dealt with such matters as the failure to hold hearings and the lack of sufficient funding for citizen participation activities.

Overall, when asked if they were satisfied with the participation process, all or most of those interviewed in one-third of the cities were satisfied; in 23%, respondents were evenly divided; and in 44%, most or all were not satisfied. HUD concluded:

> The tendency appears toward dissatisfaction . . . the level of satisfaction is related to both the representativeness of citizen advisory committees and to the amount and impact of citizen participation. Even in cities where representation was satisfactory to good, or impact was moderate to high, however, there was (sic) still some expressions of dissatisfaction. This apparent contradiction may be explained by the high expectations citizens have for participation in the community development programs.[111]

HUD analyzed recommendations made by citizens who had made complaints about CDBG and found that a substantial number dealt with attitudes toward citizen participation rather than its administration or requirements. Many felt that local and federal governments, as well as citizens, were not committed to citizen participation and some charged that local governments viewed citizen participation merely as a federal requirement. Others criticized the federal government for pulling back from the commitment to citizen participation demonstrated in earlier programs.[112]

In the third annual report on CDBG, HUD reported on selected aspects of citizen participation based on a special study of 40 cities by the National Citizen Participation Council.[113] It found that all cities were meeting the requirements but there was wide variation in performance beyond the minimum requirements.

- 85% of the cities provided complete or adequate information to both low and moderate income citizens and other citizens.
- All cities held at least two public hearings, with 60% being held in low and moderate income areas.
- Three-fourths of the cities had created citizen advisory committees, usually appointed (61%) and citywide in coverage (70%). While the impact of the committees was great in 63% of the cities, participation in and impact over implementation and monitoring was slight in most cities.
- In 80% of the cities, most of the activity budget was proposed or approved by citizens.

Advisory committee members were satisfied with the citizen participation process in 69% of the sample cities, and other citizens were satisfied in 62% of the cities. All or most citizens were dissatisfied in 31% of the cities that used a citizen advisory committee and in half of the other cities.

Congressional Testimony

Renewal hearings on the CDBG program before the Senate Committee on Banking, Housing, and Urban Affairs in 1976 elicited several complaints about a lack of citizen participation or local attention to citizens. The Southern Regional Council referred to HUD as a "paper tiger" in assuring that local governments adhere to the purposes of the program, citing a number of cases in southern cities.[114] Most of the complaints involved local units allegedly ignoring low income neighborhood projects. Complainants demanded more citizen participation as the only mechanism to assure that the community development program remains responsive to national needs, which they defined largely as providing social services projects in low income neighborhoods.

Those testifying desired all government documents regarding community development programs to be available to everyone. Another demand was to require election of citizen advisory boards from neighborhoods. Other witnesses suggested that the model cities program was far superior to the new block grant program in eliciting citizen participation, and that few cities funded citizen participation to the extent typical under the model cities programs.

Testimony six months later before the House Subcommittee on Housing and Community Development during its renewal hearings was not significantly different with regard to citizen participation.[115] One witness advocated that HUD regional offices have consumer affairs offices to be responsible for monitoring and reviewing citizen participation. The Suburban Action Institute asked for substantial changes in the citizen participation process, indicating that "the nationwide experience with citizen participation in the community development block grant process has been unsatisfactory." The institute advocated additional public hearings, teams of citizens to monitor the city's application, specific notice requirements, and public inspection conditions.[116]

In general, witnesses strongly demanded additional ctizen participation, either by specifying it in the law or regulations. Failures in properly implementing the existing legislation were generally attributed to local government failure to accept legitimate citizen participation in the allocation of funds.

Perhaps as a result of this testimony, the *1977 Housing and Community Development Act* changed slightly the citizen participation requirements. A written citizen participation plan is required, and citizens must have an opportunity to submit comments concerning the community development performance of the applicant. The comments of citizens on applicant performance must be included in the department's review, and timely response by the applicant to citizen proposals is also mandated. The Senate Banking, Housing, and Urban Affairs Committee Report[117] referred to the testimony received from citizens regarding the lack of adequate opportunity to make comment prior to submission of an application and also community development activities which did not primarily benefit low and moderate income persons and their neighborhoods. The final legislation, however, dealt only indirectly with these issues, and reiterated existing law that nothing in participation requirements restricts the responsibility and authority of the applicant jurisdiction to develop and execute its community development program.

Outside Evaluation of the 1974 Act

Outside evaluation was not quite as critical as citizen groups. A major study of the impact of the CDBG program was made by the Brookings Institution under contract with HUD.

Brookings testified at the House Subcommittee hearing that:

> . . . citizen participation, contrary to what some observers anticipated, has been a very significant feature of the program's implementation in the first year, especially in those cases in which local officials demonstrated a strong positive attitude toward these activities.[118]

Brookings' view was based on a study of 62 cities and counties by some 22 observers. Their report, published after the testimony, states that most local governments went well beyond the minimum legal requirements in encouraging and providing for citizen participation. The study found that the extent and mode of participation did not reflect the actual influence it exerted on local decisions. What did appear to influence outcomes strongly was the attitude of public officials toward citizen participation. Where local officials regarded citizen participation as very important, citizen involvement was judged to be influential or at least somewhat influential.[119] This Brookings finding was supported by testimony before the House Subcommittee on Housing and Community Development, and Bach's study of six major center cities also noted that "regardless of the form that participation took, the effectiveness of the citizen participation mechanism was largely dependent on the attitudes and efforts of the mayor and city staff."[120]

Brookings' findings rated citizen participation as having a major influence in 42% of the communities studied and limited influence in 29% of the cases. The most influential citizen groups according to Brookings were neighborhood groups, senior citizens, and Model Cities organizations. The Brookings and HUD studies also suggested that participation during the early years of the CDBG program met or exceeded legislative requirements.

ACIR-ICMA Survey

The ACIR-ICMA survey in 1978 attempted to assess the extent of citizen participation in the public hearing process under the Community Development Block Grant and the various participative mechanisms that were employed. The results are shown in *Tables 4-5, 4-6, and 4-7.*

On the average, about three citywide hearings were held by the typical reporting jurisdiction (*Table 4-5*). Those that conducted neighborhood hearings held substantially more hearings, averaging over five hearings for municipalities and over nine for counties. Attendance at the meetings was similar for cities and counties, slightly over 30 citizens attending a typical city or countywide hearing and over 27 for a neighborhood hearing.

Totals for municipalities in selected states are given to show ranges among states. Minnesota was contrasted to Michigan because they are relatively similar states except for the lack of tradition in Minnesota requiring publication of the local budget or holding hearings prior to adopting it. The same comparison holds for Arizona and New Mexico, with the latter state not requiring formal participative budget mechanisms at the local level. With the exception of New Mexico, the number of hearings is about the same. Attendance at Arizona's hearings is higher than average, and New Mexico's rate is lower, but there is no overall pattern. Municipalities in the ten states with no history of budgetary participation requirements do not

Table 4-5

NUMBER OF, AND AVERAGE ATTENDANCE AT, CDBG HEARINGS, ALL REPORTING CITIES AND COUNTIES, AND LOCALITIES IN SELECTED STATES

	Citywide Hearings			Neighborhood Hearings	
Reporting Units (number)	**Number Mean**	**Attendance Mean**	**Reporting Units (number)**	**Number Mean**	**Attendance Mean**
All Cities (1068)	3.12	30.[illegible]	(446)	5.64	27.24
All Counties (113)	3.11	33.24	(73)	9.58	27.98
Localities in Ten States Not Required to Hold Hearings or Publish Budgets (159)[1]	3.48	29.64	(74)	7.22	27.01
Minnesota (47)	2.67	28.81	(7)	10.00	28.14
Michigan (46)	2.64	30.98	(21)	3.24	26.83
Arizona (11)*	2.73	49.82	(6)	2.67	32.80
New Mexico (8)	4.13	16.0	(4)	15.25	18.00

[1] Includes the states of Alabama, Georgia, Maine, Minnesota, New Mexico, North Carolina, Rhode Island, South Carolina, Vermont and West Virginia.

*Responses are distorted by one very high total for one large city.

SOURCE: ACIR-ICMA survey, 1978.

differ significantly from other units except in the number of neighborhood meetings, and the total there is inflated by returns from one city.

The survey covered localities' regular budget hearings and general revenue sharing budget hearings as well as those held for the CDBG program. The relative incidence of and attendance at these several kinds of hearings, on both a citywide and neighborhood basis, are shown in *Table 4-6*. In the case of cities, CDBG hearings exceeded GRS hearings, whether separate or combined with the regular budget hearing, on almost every count and clearly exceeded separate general budget hearings on every score except the average number of communitywide hearings. In the case of counties, CDBG hearings similarly scored highest except in regard to the average number of communitywide regular budget hearings and the average number of citizens attending neighborhood meetings on the regular budget. It is not known whether this better record is due to a greater popular interest in CDBG or greater efforts by the localities to elicit a citizen response.

Table 4-7 indicates the type of participative mechanism reported by municipalities and counties. About two-thirds of the cities use an advisory committee, slightly more than the reporting counties; the preponderance of municipalities and counties held public hearings; slightly under three-quarters of both cities and counties published the application; and about three-quarters provided for inspection of the application.[121]

Some differences appear between the HUD findings in their annual reports and the ACIR-ICMA survey. ACIR-ICMA responses indicate that up to 13% of counties and 7% of municipalities do not hold public hearings, despite the clear requirement that two be held. Part of the difference is that HUD's study used a different sample of entitlement cities, but this is not sufficient to explain the failure to hold hearings. In addition, the number of advisory committees reported to ACIR-ICMA was lower than the 73% reported by HUD. The ACIR-ICMA survey suggests that the required or desired level of participation is not being reached in many localities.

Issues

Some issues are separable from the specific question of how to maximize citizen participation. An important one is raised by Anthony Downs, who argues that the real need is to maximize total urban commitment to urban development. Downs indicates that there are three kinds of participation required, only one of which is traditional citizen participation at the neighborhood and citywide level. The second is educating citizens and local officials as to the nature of urban problems, and the third is attracting the financial resources from the private and other nonfederal sectors to supplement meager federal funds. Without substantial outside financing and top civic leadership commitment, Downs feels that the CDBG program will continue to be underused and underfunded in light of the total urban development job to be done.[122]

Another important issue involves the influence of various officials in the CDBG program. The Brookings study indicates that generalist administrators, particularly the chief executive, were substantially strengthened. They tended to structure the participation process, and achieved considerably more direction over specialists such as housing and rehabilitation directors. In all but a few of the 62 jurisdictions surveyed, the chief executive was found to be the most dominant figure in the CDBG process.

Some conclude that the enhanced role of generalists in CDBG is simply a function of the amount of money available. Others are inclined to believe that the format of this block grant gives top level officials a chance to take charge initially, but that this dominance may decline as the program evolves.[123]

Whatever the reasons, the influence of generalist administrators has significance for the type of participation elicited and thus on the distribution of funds. Bach indicates that because the Mayor is sensitive to the need for broad political support, funds tended to be spread across neighborhoods to build consensus rather than concentrating them strategically in the most impoverished neighborhoods.[124]

Brookings observed the same process. They called it a "trade-off" between broader participation and broader planning. Brookings expects the trend toward the predominance of generalist administrators to continue and thus to maintain the spreading out of benefits among recipients.[125] This "thinning out" of funds, due to citizen demands and spurred by the involvement of the chief elected official rather than more protected

Table 4-6

FREQUENCY OF, AND ATTENDANCE AT, VARIOUS KINDS OF LOCAL BUDGET HEARINGS, CITIES AND COUNTIES (1977)

	Cities			
	Combined Hearings[1]	Separate GRS Hearings[2]	CDBG Hearings[3]	Separate General Budget Hearings[4]
Average Number of Communitywide Hearings Annually	2.34	1.55	3.12	3.22
Average Number of Citizens Attending Communitywide Hearings	30.52	17.28	30.39	27.38
Percentage of Units Holding Hearings at Neighborhood Level	6.60	4.30	36.10	4.20
Average Number of Neighborhood Meetings Annually in Units Holding Such Meetings	4.67	2.56	5.64	4.64
Average Number of Citizens Attending Neighborhood Meetings	23.81	20.41	27.24	22.84

	Counties			
	Combined Hearings[1]	Separate GRS Hearings[2]	CDBG Hearings[3]	Separate General Budget Hearings[4]
Average Number of Communitywide Hearings Annually	2.42	1.61	3.11	4.06
Average Number of Citizens Attending Communitywide Hearings	41.08	23.01	33.24	31.52
Percentage of Units Holding Hearings At Neighborhood Level	9.00	7.30	33.30	7.60
Average Number of Neighborhood Meetings Annually in Units Holding Such Meetings	3.52	4.18	9.58	4.73
Average Number of Citizens Attending Neighborhood Meetings	40.57	32.73	27.98	39.07

---

[1] Combined hearings on the proposed use of revenue sharing funds and on the regular budget.
[2] Hearings (separate from regular budget hearings) on the proposed budget.
[3] Community Development Block Grant proposal hearings.
[4] Hearings (separate from revenue sharing hearings) on the proposed budget.

SOURCE: ACIR-ICMA survey, 1978.

Table 4-7

CITIZEN PARTICIPATION MECHANISMS USED BY MUNICIPALITIES AND COUNTIES IN REQUESTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

	Number of Responses	Type of Participation Mechanism			
		Advisory Committee	Public Hearings	Publish Application	Inspection of Application
Municipalities	1,120	65.4%	93.4%	71.3%	76.4%
Counties	147	58.5	87.8	74.1	75.5

SOURCE: ACIR-ICMA survey, 1978.

specialists, was also predicted by the House Committee staff in a report in February 1977. The report refers to the likelihood that spreading limited funds across a wider segment of the community may divert resources from the most needy areas.[126]

A potential dilemma of citizen participation is posed here. The more one strengthens generalist administrators, the more benefits tend to get spread out in a classic "logrolling" manner, typical of the political process in general. If one "broadens" participation to include interests and groups with financial resources, thus increasing community development resources, one dilutes the impact of the poor and the neighborhoods.

Further experience with the CDBG program may suggest that strengthening generalist administrators and concentrating private funds in the community development process are of significant enough importance that the citizen participation process should be considered in terms of its effect on these two issues.

Effect of CDBG Participation Requirements

The various assessments are mixed on the impact of the CDBG participation requirements. In general, the Brookings study and the HUD internal reviews concluded that required participation levels are being met. Indeed, Brookings indicated that most localities went well beyond the minimum requirements. On the other hand, responses to the ACIR-ICMA survey indicated that a noticeable percentage of cities and counties were not holding the required public hearings.[127] Another indication that the participation requirements were not being met as intended was the "spreading out" of benefits from concentrated areas of need, presumably in low income areas, to encompass a wider but more scattered range of benefits. This may reflect a variety of causes, but one may be an insufficient effort to enlist the participation of the needy and low income groups.

Regarding the impact of participation on the program, HUD found that citizen participation was influencing the selection of activities and the level of social service expenditures. This conclusion was echoed by Brookings. Yet, HUD also found a high degree of dissatisfaction with citizen participation, expressed directly in surveys as well as through complaints received on the CDBG program. Dissatisfaction was voiced by many witnesses at the Congressional hearings regarding the need for more involvement of lower income groups and more responsiveness generally of cities and counties to the contributions of citizen participants. HUD at one point offered the view that the apparent inconsistency between reported high participation and high influence on one hand and dissatisfaction on the other was explained by the high expectations that many citizens had for participation in the community development program.

A final issue in considering impact of the citizen participation requirements in CDBG is the effect of Congress' mandating the requirements. Other than holding two hearings, nothing more specific than providing information and an opportunity to participate is mandated. A question arises then as to whether high participation programs as in Redding, CA, and Boston, MA, and other localities reported in HUD's annual reports would have occurred without these Washington-imposed conditions. One is inclined to think that they would, because the levels of involvement are so much higher than legitimately could be expected with even higher citizen involvement standards. Yet, even with the fairly extensive information on participation that is available in the CDBG case, it is not possible to say with certainty that federal regulations caused certain actions relating to levels of participation to occur. The major variable seems to be the attitudes of elective officials and this transcends federal requirements.

General Revenue Sharing

General Revenue Sharing (GRS) was first adopted in 1972 in the form of the *State and Local Fiscal Assistance Act.*[128] The law initially provided some $30.2 billion to about 39,000 states and units of general purpose local government (municipalities, counties, townships, and Indian tribes). Two-thirds of the total went to local units and one-third to the states. Distribution was on the basis of population, per capita income, and general tax effort and was made directly to the eligible unit of government. Expenditures were limited to capital expenditures and eight priority operating categories: environmental protection, public safety, transportation, health, libraries, financial administration, recreation, and social services.

The *Revenue Sharing Act* had two basic objectives. The first was to provide fiscal relief for local government fiscal pressures. Hard pressed local units demanded relief and this became a telling argument.[129] The second objective was to strengthen states and local units. Many supporters wanted to decentralize the federal system by limiting the use of categorical grants-in-aid and thus restoring to state and local units more discretion in developing and managing their own programs. This would reduce federal control and place responsibility for programs at the other two governmental levels. It was hoped that this also would eventually bring about increased public interest and citizen participation in the local decisionmaking process.[130]

Prior approaches to grants-in-aid had involved attempts to build capacity largely by federal support with requirements to assure that national standards are met. The final GRS bill, in effect, indicated that these requirements were no longer necessary, at least in a detailed manner. It was a triumph for those who argued for "no strings" legislation over those who agreed with the need for fiscal support but who wanted to attach conditions. The final legislation required only that trust funds for GRS payments be created, that planned and actual use reports be published, that the money be spent in eight priority areas, that they not be used as matching for other federal grants, that they not be used for general administrative purposes, and that the Treasury Department's fiscal audit procedures be followed.

Citizen involvement was not a major issue in the original legislation. Only two requirements in the law were of real significance in this regard. First, recipients were required to prepare planned and actual use reports, and to publish them in a newspaper of general circulation. Thus, citizens were to be advised of proposed expenditures and given a chance to monitor them. The second requirement merely indicated that recipients had to expend funds in accordance with state law. Hence, localities in states with hearing and/or publication laws had to hold hearings and publish the budget which contained GRS funds.

Congress seemed to assume that the question of citizen access to the review process was to be settled by the states and local governments. Citizen oversight was presumed. The following comments were made in the Senate during passage of the 1972 law.

> **Senator Long:** . . . the people of each community will be far better policemen on the expenditure of their money than any committee of Congress would be.
>
> **Senator Bennett:** I agree . . . we have built into this bill an effective if unusual method of controlling the actual expenditure of these funds at the local level.
>
> **Senator Long:** We will rely heavily on the fact that (state and local governments) will inform their own people as to how they will use the money, both before and after it is spent.[131]

Studies of the Impact of GRS

A substantial number of studies were undertaken in the years following the enactment of GRS in 1972 and its re-enactment in 1976, and a number of them dealt with citizen participation.

Caputo and Cole surveyed chief executive officers in American cities over 50,000 population in 1973 and 1974 and concluded that an "unexpectedly large number of cities have experienced some degree of citizen participation during their General Revenue Sharing decision-making processes."[132] They found that, in general, cities that held public hearings tended to allocate a larger proportion of revenue sharing funds to social service needs than to more traditional areas, such as public safety. This finding was stronger in suburban cities, in larger cities, and when the chief executive was elected. However, the study also noted that when fiscal pressures were greatest the funds were more likely to be allocated to public safety (i.e., overriding the "participation" pressures of citizens for social services). These findings were confined to an analysis of how funds were initially allocated, rather than their actual impact. Since allocations of GRS "freed up" other funds for alternative uses, Caputo and Cole's study suffered from this analytical difficulty, which also plagued most other early studies. They recognized this and noted, in another context, that ". . . although many observers claim to have documented policy changes brought about by citizen participation activities, the causes of such changes and their extent are impossible to document."[133]

An early report by the ACIR indicated that there was some stimulative effect on citizen participation due to revenue sharing. The Commission noted that:

> While there is no legal mandate calling for citizen participation in decisions on the use of revenue sharing funds, the publicity attending the enactment of the program and the distribution of the funds along with the requirements that recipients publish planned use and actual use reports stimulated some additional citizen participation and concern in determining local budget priorities.[134]

The ACIR found that where citizen participation was a part of the budget process prior to revenue sharing, GRS stimulated participation but not otherwise. This stimulative factor might wear off as revenue sharing aged.[135]

The General Accounting Office made two analyses of revenue sharing. In one, a study of 250 local units, knowledgeable local officials in about a third of the localities felt that citizen participation levels in planning budget expenditures were higher than normal, particularly in larger cities. Respondents indicated "increased participation of special interest groups requiring that revenue sharing funds be allocated for such activities as social services, senior citizens projects, health agencies and libraries."[136]

Another GAO survey of 26 specific localities in 1974, done at the request of the chairman of the House Subcommittee on Intergovernmental Relations, dealt partially with citizen participation. Of the 26 units, only one reported "high levels of activity" while about ten showed some activity including that outside the hearing process. The other 15 reported little interest.[137]

The National Science Foundation (NSF) funded several studies on revenue sharing, several of which dealt partially or wholly with citizen participation. One probed the effectiveness of formal mechanisms for eliciting participation. It found that (1) real participation was more likely to take place in large cities; (2) those groups active in revenue sharing allocations were well established before the program became law; (3) many of these groups were formerly funded by other federal grants (Model Cities, etc.) which were being reduced, thus increasing the chances that future levels of participation would decline; (4) public hearings and the use of citizen advisory committees due to GRS made it easier for local officials to determine citizen preferences and to broaden official awareness of new problems; and (5) the number of hearings held declined after the first year and local officials opposed making hearings mandatory, thus increasing the likelihood that involvement would drop.[138]

Another NSF-supported study examined planning and participation as they related to GRS. Stanford Research Institute (SRI) found that in five of ten large cities surveyed improved usage of GRS funds was linked to two basic components of local governmental capacity: increased citizen participation and improved policy planning. Participatory processes "make it possible for both community groups and members of the general public to articulate their concern and priorities and also allow citizens to hold public officials accountable for their actions."[139] SRI argued that there is need for a formalized citizen participation structure to provide a locus for citizen action and information dissemination and to serve as a framework for interactive negotiations between citizen leaders and officials. SRI found generally that cities in better financial shape or with stronger preexisting management capacities did better in establishing structures for planning and for citizen participation. Effective citizen involvement needs to be institutionalized which, in turn, depends on local official commitment. This is similar to the Caputo and Cole finding as it applies to the effect of fiscal management capacity. SRI suggested several "capacity building" participation provisions, including (1) requiring a citizens advisory committee representative of the demographic and geographic makeup of the city, (2) requiring the cities to institute a participative process funded from GRS funds, and (3) having the federal government provide technical assistance and perhaps bonus funding to cities in their development of participation structures. SRI also presented some specific revenue sharing amendments which would improve participation processes in cities such as (1) mandating two hearings, the first to elicit comments and the second to explain how the funds were used; (2) requiring the advertising of GRS plans, providing free copies of plans to citizens, making the complete plan available at specific locations; and publishing summaries of comments received in a form similar to Title XX of the *Social Security Act*; and (3) producing and advertising the Planned Use Report in lay language.[140]

The Brookings study found that rather sparse and preliminary data suggested that revenue sharing tended to increase the overall competitiveness and public visibility of the budget process. About a third of the case studies involved some separation of GRS from the regular budget, which increased public and interest group participation. In those jurisdictions which did not separate the process, behavior still changed somewhat. In addition, some national interest groups were attracted to the local decisionmaking process.[141]

Another study concluded that previous experience with Model Cities programs resulted in greater group activity in making GRS requests. The groups in the cities surveyed were more active in GRS and the budget process generally than they had been during the Model City program, probably because of their previous experience.[142]

Several separate studies of revenue sharing impacts were made by a coalition of groups working through the National Revenue Sharing Monitoring Project. The groups included the League of Women Voters, the National Clearinghouse on Revenue Sharing, the Center for Community Change, the National Urban Coalition, and the Center for National Policy Review. An early study by this coalition, entitled *General Revenue Sharing in American Cities: First Impressions*, reached these general conclusions pertaining to citizen participation in GRS.

1. There had been a rather wide range of citizen activity relating to GRS. For example, coalitions of citizens were formed in about 40% of the surveyed cities, open general budget meetings and some special GRS meetings were held, and several citizen advisory boards were formed.

2. However, citizen involvement was neither broad nor deep. Public hearings were of limited value and were often attended by few citizens while advisory committees frequently had no influence with city legislators.

3. Citizen activity did not translate into citizen impact with any regularity.

4. The lack of citizen initiative may have been related to lack of information. Media coverage was spotty and planned and actual use reports were not useful informative devices.[143]

The clearinghouse concluded that GRS is ineffective as a lever for harmonizing local decisionmaking with national goals, because the total sums of money are relatively small for each unit. It indicated that GRS could be a handle for citizens to promote concern for social issues and to increase involvement if it remains an identifiable pot of money. The clearinghouse felt that it was too early to declare GRS citizen participation a failure, although there were much better ways to mandate citizen participation or civil rights concerns.[144]

A League of Women Voters study of 23 Iowa cities concluded that GRS had brought little positive change in the lives of citizens. GRS funds perpetuated "business as usual," public input was minimal, with most of it coming after the budget already had been prepared, and municipal moneys were spent in traditional fashion.[145] Most cities entrusted creation of the budget and GRS decisions to the mayor and/or the city manager as a regular part of the budget. On occasion, citizen group presentations were made, and a few citizen advisory boards or task forces were appointed. While public officials favored citizen access to the decisionmaking process, they desired what was called "construction, due to the complexity of the budget process, and there was considerable evidence of citizen apathy about that process.[146]

Re-enactment of General Revenue Sharing

At the time revenue sharing came up for renewal in 1976, a number of the aforementioned studies were available for Congressional consideration. On the matter of citizen participation, however, most of them were clearly ambiguous. Some indicated that participation had increased somewhat while others attempted, with varying success, to document that little effective participation had occurred. Hearings before the House Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee consumed at least 16 days or parts of days, beginning in September and lasting into early December.

A large part of the testimony dealt with citizen participation, in one form or another, and often the discussion on other topics returned to participation and related matters. Some of the testimony was from ACIR, with Chairman Robert Merriam supporting state-developed citizen participation requirements. He explained that such requirements should include a hearing on the budget, advance notice by newspaper or other suitable means, and availability of budget summaries and narrative statements in advance of hearings.

Groups associated with the National Revenue Sharing Clearinghouse stressed the enforcement of civil rights provisions, accountability for the expenditure of funds by localities, and citizen participation. Carol Rose of the Southern Governmental Monitoring Project, indicated that successful citizen participation programs should include:

1) timely and accurate information to cities and citizens boards;
2) multiple strategies for attaining citizen input;
3) citizen input at a time when impact on decisions can be maximized;
4) hearings and meetings in serial order, rather than ad hoc or one-shot affairs;
5) citizen input beginning at the neighborhood level; and
6) citizen participation involving some sort of followup and continued monitoring.

After extensive discussion and debate, Congress renewed General Revenue Sharing on October 10, 1976.[147] As might be expected, the final action represented a compromise. State and local units achieved reenactment not subject to annual Congressional appropriation. The existing distribution formula to local and state units was retained, but priority areas such as public safety or health were scrapped because of the difficulty of meaningful enforcement. Reform groups such as the League of Women Voters and the Revenue Sharing Clearinghouse were able to convince Congress that some regulation of citizen participation and tougher civil rights provisions were necessary.[148]

The new legislation contained new procedural requirements which opened the process formally to increased citizen participation. Two hearings were required. One was a proposed use hearing and the second was on how revenue sharing moneys relate to overall agency spending. Notice of the first hearing must be published in a newspaper of general circulation at least ten days prior to the hearing and contain the amount of revenue sharing funds that the unit expects to receive in the coming year and the unobligated amount remaining in the trust fund. This proposed use hearing must be at least seven days prior to presentation of the budget to the legislative body. The second hearing must also be preceded by a ten-day notice to the public, and this publication must summarize the proposed budget, indicate the time and place of the hearing, and make budgetary information available to the public in a newspaper of general circulation. The proposed budget also must be available for inspection. Thirty days after the budget hearing a summary of the adopted budget including the intended use of general revenue sharing funds must be available for public inspection and a notice of its availability must be published. Localities must notify the news media, particularly minority, bilingual and foreign language media, of the hearings and endeavor to provide an opportunity for senior citizens to participate in hearings. At the end of a fiscal year, actual use reports which describe how funds were spent must be made available to the public and notice of their availability given. Any change in the adopted budget involving 25% of the budget or $1,000, whichever is greater, would necessitate an additional proposed use hearing and budget hearing.[149]

Proposed regulations by the Office of Revenue Sharing that provided for waivers of the proposed use hearing for GRS recipients receiving less than $10,000 met substantial objections by the same citizen participation advocates who had testified earlier before Congress. As a result, the final regulations waived proposed use hearings only when the unavoidable costs of such a hearing are over 15% of the total entitlement for the year and if state and local laws and charters require a budget hearing and assure an opportunity for citizen participation.

Revenue Sharing and State Budgetary Practice

State governments historically have not been a major center of interest regarding the involvement of citizens in budget decisions. The distance of many state capitals from population centers partly explains this, since distance alone can be a barrier to effective citizen involvement. While many states have had public hearings, they generally have not been geared to eliciting widespread citizen involvement, but rather to giving special points of view or interests a hearing before the legislature. In a few cases, Governors have held a hearing on their proposed budgets. Yet, in many cases, legislatures have not provided a formal public hearing for citizens.[150] The mass media have not always highlighted budgetary allocation issues. Even so, the new citizen participation requirements in GRS affect all recipients, and states now must follow the same procedures that apply to localities.

In the fall of 1977, ACIR staff undertook a telephone survey to ascertain the effect of the new GRS rules on state budget practices in a selected group of 11 states. Legislative or executive branch officers familiar with the budget process were contacted. The responses, summarized in *Table 4-8*, indicated that, with a few exceptions, the new requirements had little effect on state budget practices. In some cases, where citizen participation, or at least citizen attendance took place, it was part of the traditional legislative budget hearing and a result of the new regulations.

Maryland, Illinois, and Texas held proposed use hearings pursuant to the new requirements, with a total of four persons attending the hearing in the three states. Massachusetts held hearings on the proposed budget which could have served as proposed use hearings, although they were scheduled prior to the new regulations. Maine and North Carolina formally requested and received waivers of the proposed use hearing from the Office of Revenue Sharing (ORS). The other five states concluded that the requirements went into effect too late to be operative in their budget process and would hold their first proposed use hearing in the next budget year.

The Montana legislature conducted revenue sharing meetings as part of the regular hearing process over a 90-day period without formally advertising for a revenue sharing meeting as such. The Governor recommended that GRS funds be allocated to school equalization grants, resulting in a substantial debate that finally concluded with the legislature upholding his recommendation. Montana officials indicated that proposed use hearings would extend the controversies over spending by opening up the debate earlier. New Mexico was unable to meet the proposed use deadline so elected to hold the funds in a separate account and allocate them with the 1978 revenue sharing funds.

As in the case of local governments, many states made no special effort the first year to involve senior citizens. Illinois, Indiana, North Carolina and Massachusetts indicated special efforts, usually through the state agency dealing with senior citizen affairs. The remaining units did not report special undertakings, although in the case of Montana, senior citizen groups were said to be highly active in the regular budget hearings dealing with revenue sharing.

State respondents indicated that little if any citizen participation was elicited by the hearing requirements.[151] Several commented to the effect that the requirements were simply a condition that had to be met to receive the money. Most states were required to advertise more widely than in the past and, in some cases, provided additional notification for the proposed use hearing. Some extra staff time also was committed in Oregon to preparing separate budget statements specifying revenue sharing fund allocations. Another state commented that the effect was to "subsidize newspapers." In only a few states, did significant reallocations of revenue sharing funds occur. Michigan transferred revenue sharing funds from teachers retirement use to mental health and debt service, while Indiana lumped its funds into teachers retirement rather than using it for existing agencies. Maine placed its funds in teachers retirement rather than general local subsidies. Montana, as was noted, used its revenues for school fund equalization. Most of these changes were unrelated to citizen participation and were generally made to simplify the accounts for audit purposes. The Indiana and Maine changes were intended to eliminate individual school districts from liability if a later audit or civil rights complaint resulted in fund withholding by the federal government.

On the basis of the 11-state survey, little effect on state budget practice can be attributed to revenue sharing participation requirements. Hearings seemed to be pro forma with little participation of citizens. No interest was shown in involving many citizens formally with the legislative policymaking process, although individual executive agencies may have mechanisms for citizen input in shaping their requests to the Governor or legislature. In addition, most states have an established routine for allocating their relatively small share of revenue sharing funds and do not seem inclined each session to consider a range of alternatives for such allocation.

The historic lack of state legislative interest in widespread individual participation seems likely to continue. The proposed use hearings of the Governor which are now mandated could become opportunities for greater citizen involvement, at least in some cases, although it is more likely that the hearings will be dominated by interest groups formally representing their constituents.

Localities and the New Regulations

The ACIR-ICMA questionnaire survey of cities over 10,000 population and counties over 50,000 took place in early 1978, shortly after the new GRS regulations went into effect. Of the 1,495 municipalities and 322 counties responding, only seven reported that they did not hold a revenue sharing public hearing, either combined with the general local budget or as a separate hearing.

The total responding slightly overrepresents central cities, municipalities and counties with centralized executives, and Western cities and counties. Overall, however, it reflects the experience of a very large number of localities.

A) Local Budget Practices. Localities varied considerably in the way that they combined or separated revenue sharing and general budget funds, held hearings on them, and otherwise met the participation requirements of the new federal regulations. Their responses hinged heavily on what had been their prior practices. *Table 4-9* shows how cities and counties met the requirements, before and after January 1, 1977.

Over two-thirds had one or more combined revenue sharing and local budget hearings prior to January 1977. Of those that did not, over half had modified or planned to modify their practices after the new revenue sharing rules went into effect January 1, 1977. About half of the responding municipalities had separate revenue sharing hearings and slightly over half of those that did not, planned to change or already had changed their practices to include such a hearing. Over 60% of municipalities had a separate hearing on their local budget, but only about a quarter of those not doing so planned to add this practice.

Almost universally, localities provided for citizen inspection of proposed and adopted budgets, although the specific methods might vary substantially. Yet, making special efforts to involve senior citizens was substantially less common, with only 35% of respondents reporting this practice before the new revenue sharing regulations went into effect. Of the two-thirds majority who reported no special efforts, only about a quarter changed or made plans to change their efforts. Cities already making special efforts to involve senior citizens differed slightly from other municipalities. They were more likely to be located in the northeast, to be outside metropolitan areas (central cities of metropolitan areas scored lowest), and to be mayor-council cities. County responses to the senior citizen question generally paralleled city practices, with 39.5% indicating some effort prior to 1977.

Table 4-10 differentiates among a few selected states regarding the use of the budget practices shown nationally in *Table 4-9*. Minnesota and Michigan are paired since they are geographically somewhat similar, yet Michigan required full hearings and publication for the local budget process for some time while Minnesota did not. The same applies to the pairing of Arizona and New Mexico. Arizona is similar to New Mexico,

Table 4-8

EFFECT OF GENERAL REVENUE SHARING PARTICIPATION REQUIREMENTS AS REPORTED BY SELECTED STATES (1977)

State	Effect of Regulations in Specific Areas Hearings	Publication and Display	Senior Citizens	Comments
Illinois	Held a proposed use hearing.	Additional notice and display of documents has been used.	Contacted through Lieutenant Governor and Department on Aging.	Little attendance at the proposed use hearing even though some newspaper coverage resulted from the notice. No one has reviewed the adopted budget.
Indiana	In future will require a proposed use hearing.	Not reported.	Invited through Commission on Aging.	Few groups or citizens attended. Money placed in teachers retirement fund.
Maine	Required an ORS waiver of proposed use hearing in 1977 which will be held in future.	Additional notice required.	No additional efforts reported.	Little reported attendance or interest. Funds allocated to teachers retirement.
Maryland	Held a proposed use hearing.	Additional notice required.	No additional efforts reported.	A few county and city interests were at regular budget hearing, but less than ten individuals in total. Money was placed in retirement systems as has been traditionally done.
Massachusetts	In future, will require a proposed use hearing.	No effect.	Additional publication announcement, Secretary of Elderly Affairs notified.	Part of a regular budget hearing which groups such as Massachusetts Taxpayers Association and Common Cause attend. Funds by law allocated to debt service.
Michigan	In future, will require a proposed use hearing.	Not reported.	No additional efforts reported.	Some media representatives attended but few citizens. Funds allocated from teacher retirement funds to mental health and debt service.

Montana	Proposed use hearings will be in future.	Extensive publication, but not as revenue sharing, per se.	Extensive activity by senior citizen groups over general budget, with no separate revenue sharing activity.	Extensive and highly visible debates over funding alternatives and Governor's recommendation that revenue sharing go for school equalization. Proposed use hearings will further complicate budget process by beginning debate earlier in the process.
New Mexico	Will hold a proposed use hearing in future.	Not reported.	No additional efforts reported.	Revenue sharing funds were not appropriated because state could not meet proposed use requirements with their timetable. In future, requirements should pose no problem.
North Carolina	Required an ORS waiver of proposed use hearing in 1977 which will be held in future.	Not reported.	Invited through Council on Aging.	No attendance. Funds allocated 50% capital uses, 40% school buses and 10% debt service.
Oregon	Proposed use hearings in future will be held.	Additional notice and preparation of documents.	No additional efforts reported.	Little citizen interest reported. In the past, however, budget items have been referred to a vote of citizens by petition.
Texas	Held a proposed use hearing for the first time.	Additional notice requirements.	No additional efforts reported.	Virtually no citizen interests. Funds were placed in higher education fund.

SOURCE: ACIR staff telephone survey, 1977.

Table 4-9
LOCAL BUDGET PRACTICES

Mechanism	Used Prior to January 1, 1977 (Percent)		Not Used Prior to January 1, 1977, but Adopted or Plan to Adopt Thereafter (Percent)	
	City	County	City	County
Combined Revenue Sharing and Local Budget Hearings	67.2%	70.7%	53.6%	60.4%
Separate Revenue Sharing Hearings	50.8	52.2	57.5	58.6
Separate Hearings on General Local Budget	61.9	63.5	23.5	27.1
Citizen Inspection of Proposed Budget	96.1	98.4	57.1	100.0
Citizen Inspection of Adopted Budget	98.5	99.4	68.2	100.0
Efforts to Involve Senior Citizens	35.2	39.5	23.8	29.1

SOURCE: ACIR-ICMA survey, 1978.

except that it also requires full participative local budget methods and New Mexico traditionally has not. The set of 190 municipalities in ten states with no participatory requirements for the local budget process is also used for comparison.

The data are not conclusive. Minnesota and New Mexico shared higher rates of local budget hearings than their paired states, Michigan and Arizona, even though the latter two required local hearings and the former did not. Yet, Michigan and Arizona did not in every instance register higher percentages of municipalities adopting new budget hearing procedures after January 1, 1977. Similar inconsistencies were obtained in comparing the ten states not requiring local hearings or publication with Michigan and Arizona. It is not possible to draw any firm conclusions, therefore, about the relation between the impact of the regulation effective January 1, 1977, and state laws requiring local budget procedures.

B) Number of Budget Hearings. The number of hearings held varied considerably among the responding municipalities. *Table 4-11* provides a summary of the average number of hearings and the citizens in attendance for the four types. Local (general) budget hearings were most frequently held by all cities, with fewer hearings on revenue sharing alone. Some cities reported as many as 100 hearings. The average municipal attendance per hearing ranged from 17 to 30 citizens, with extremes ranging from one to 1,250 citizens.

County experience was similar to cities, averaging about the same number of hearings. However, the range among counties was lower with no county reporting over 50 hearings for any type of budget. Counties attracted from 10% to 35% more citizens to their hearings than municipalities. The highest county figure was a reported 800 attendees at a meeting. Metropolitan counties held more meetings than nonmetropolitan counties and experienced sub-

Table 4-10

LOCAL BUDGET PRACTICES IN MUNICIPALITIES IN SELECTED STATES

	Combined Revenue Sharing and Local Budget Hearing		Revenue Sharing Hearings Only		Local Budget Hearing Only					
State (number of reporting municipalities)	**Before 1/1/77 (percent)**	**Adopted or Plan to Since 1/1/77 (percent)**	**Before 1/1/77 (percent)**	**Adopted or Plan to Since 1/1/77 (percent)**	**Before 1/1/77 (percent)**	**Adopted or Plan to Since 1/1/77 (percent)**	**Public Inspection of Proposed Budget Prior to 1/1/77 (percent)**	**Public Inspection of Adopted Budget (percent)**	**Senior Citizen Involvement Before 1/1/77 (percent)**	**Have or Will Involve Seniors Since 1/1/77 (percent)**
Minnesota (44)	65.9%	53.3%	59.1%	42.3%	79.6%	33.3%	97.7%	100.0%	31.8%	26.7%
Michigan (67)	46.3	38.7	44.8	46.9	65.7	21.6	100.0	100.0	26.9	14.3
All Municipalities in States Not Requiring Local Hearings or Publication (190)*	62.1	52.8	44.7	42.9	57.9	84.2	91.6	90.5	34.2	32.0
Arizona (11)	81.8	50.0	27.3	75.0	54.5	60.0	100.0	100.0	54.5	60.0
New Mexico (11)	90.9	100.0	45.6	16.7	54.5	0	72.7	81.8	54.5	20.0

*Includes the states of Minnesota, New Mexico, Rhode Island, North Carolina, South Carolina, Alabama, Georgia, West Virginia, Maine, and Vermont. These ten states were identified by a 1975 Congressional Research Service study as having no requirements for either public hearings or publication of the local budget. They form a sample of units with no history of participation.

SOURCE: ACIR-ICMA survey, 1978.

stantially greater average attendance per meeting. There was some tendency for administrator counties to have a higher average attendance at meetings than nonadministrator counties.

Combined hearings ranged in number from one to 50 but the median number is only two meetings, and a quarter of the respondents held only one. Several cities had as many as 20 hearings. Western cities had the highest average number. Fewer revenue-sharing-only hearings were held than other types, with the high being 30 followed by several governments with ten each. Half the reporting units held only one hearing. Little geographical variation existed, although central cities held more hearings than suburbs or independent cities.

Municipalities holding separate hearings on their own budget showed a wide range of experience. Northeast cities had the largest number (4.28), which was well over the national average. Three cities held over 40 meetings, but the median for all cities was only two. Central cities held more hearings than other cities with the exception of town meetings and representative town meeting jurisdictions. Central cities far exceeded suburbs or independent cities in meetings held (4.60).

C) Attendance of Budget Hearings. *Table* 4-11 also summarizes the average attendance at each hearing. Combined hearings in cities drew 30.52 citizens per event, with the number in half of all cities exceeding 15. Attendance declined regularly as the size of cities declined and cities under 25,000 making up over half the responses, average 25.74 citizens per hearing. New England, due to heavy attendance at town meetings and representative town meetings, averaged 111 citizens per hearing with a median of 40. Central cities and suburbs had equal attendance rates of over 34, but independent cities averaged only about 20 citizens.

Separate revenue sharing hearings were the least well attended type, averaging only 17.28 citizens per meeting. Ten or fewer citizens

Table 4-11

NUMBER OF HEARINGS BY TYPE OF HEARING AND AVERAGE NUMBER OF CITIZENS IN ATTENDANCE

	Number of Hearings				Citizens in Attendance			
	Median	Mean	Range	Responding Units	Median	Mean	Range	Responding Units
MUNICIPALITIES								
Combined Revenue Sharing and General Budget	2	2.34	1-50	1,068	15	30.52	1-1250	900
Revenue Sharing Only	1	1.55	1-30	998	10	17.28	1-375	858
General Budget Only	2	3.22	1-100	725	13	27.38	1-900	657
COUNTIES								
Combined Revenue Sharing and General Budget	2	2.42	1-17	239	15	41.08	1-800	214
Revenue Sharing Only	2	1.61	1-25	212	10	23.01	1-200	177
General Budget Only	2	4.06	1-50	175	10	31.52	1-500	153

SOURCE: ACIR-ICMA survey, 1978.

Table 4-12

NEIGHBORHOOD OR DISTRICT HEARINGS HELD IN CITY OR COUNTY WITH AVERAGE CITIZEN ATTENDANCE

	Units Reporting Neighborhood or District Meetings (percent of reporting units)		Attendance and Number of Meetings			
			Average Number of Meetings		Mean Attendance	
	Municipal	County	Municipal	County	Municipal	County
Combined Revenue Sharing and General Budget	87 (6.6%)	26 (9.0%)	4.67	3.52	23.81	40.57
Revenue Sharing Only	52 (4.3)	19 (7.3)	2.56	4.18	20.41	32.73
General Budget Only	47 (4.2)	19 (7.6)	4.64	4.73	22.89	39.07

SOURCE: ACIR-ICMA survey, 1978.

attended half of the hearings, but at least four cities had as many as 300 in attendance at one time. Attendance declined with population, and cities under 25,000 averaged only 14 citizens per hearing. The central city average of 26 citizens per meeting was well above the suburban or independent city totals.

Separate local budget hearings in cities attracted more citizens than revenue sharing meetings (27.38 to 17.23). Much of this was due to town meetings which averaged 118 citizens per hearing. These figures raise questions about the view that revenue sharing hearings would be better attended because of interest in these relatively new funds. In every category, separately held local budget hearings were better attended. Several cities had attendances of over 300 (not all town meetings) per hearings. Independent cities had substantially lower average attendance (20) than metropolitan cities, and suburbs had a slightly higher rate (30) than central cities (28), and the manager cities' average was slightly greater than the mayor-council cities (26 to 21, respectively).

D) Neighborhood or District Hearings. Relatively few cities and counties reported having neighborhood or district hearings on any part of the budget. *Table 4-12* summarizes the responses to this question, for both municipalities and counties.

It indicates that more counties than cities reported holding neighborhood hearings, that counties held more such hearings (except for combined revenue sharing and local budgets), and that counties attracted more citizens to their hearings. The differences are substantial—for example, counties reported nearly twice as many citizens as did cities attending neighborhood general budget hearings. While the differences seem significant, the limited number of responses preclude any firm conclusions here.

Table 4-13 provides some detail highlighting interstate differences among municipalities on the number of hearings, the average attendance, and the number of district or neighborhood hearings held. The same states as in *Table 4-10* were used. Arizona had the greatest average number of hearings, overall, but New Mexico had the most combined hearings. Arizona also had the largest average number of attendees with no clear pattern emerging among the other states. Arizona likewise held the largest percentage of meetings at neighborhood sites, with the exception of local budget hearings in New Mexico. Other than this, no trends emerge.

E) Summary of Survey Findings. The new citizen participation requirements imposed by the legislation extending General Revenue Sharing generated a modest increase in activities and procedures designed to involve citizens in the

Table 4-13

NUMBER OF HEARINGS CONDUCTED AND CITIZENS IN ATTENDANCE REPORTED BY MUNICIPALITIES IN SELECTED STATES

State (number of municipalities reporting) Varies with Hearing	Combined Revenue Sharing and General Budget Hearings			Separate Hearings on Revenue Sharing Alone			Separate Hearings on Local Budget Alone		
	Average Number of Hearings	Average Attendance per Meeting	Percent of Units Holding Neighborhood Hearings	Average Number of Hearings	Average Attendance per Meeting	Percent of Units Holding Neighborhood Hearings	Average Number of Hearings	Average Attendance per Meeting	Percent of Units Holding Neighborhood Hearings
National Sample (varies with hearing)	2.34	30.52	6.6%	1.55	17.28	4.3%	3.22	27.38	4.2%
All Municipalities Not Required by State to Hold Local Hearings or Publish Budget—Ten States	2.47	23.23	5.5	1.41	17.34	5.6	2.89	36.82	4.9
Minnesota	2.36	9.63	0.0	1.53	7.97	2.2	3.16	12.39	0.0
Michigan	2.13	25.41	4.9	1.36	10.53	0.0	1.85	13.85	2.5
Arizona	3.57	28.71	14.3	1.88	25.50	12.5	3.13	41.88	12.5
New Mexico	5.00	26.73	9.1	1.20	21.80	0.0	1.50	15.00	50.0

*See *Table 4-10.*

SOURCE: ACIR-ICMA survey, 1978.

local budget process. A large percentage of cities and counties already had been offering participation opportunities before they were mandated by the GRS program, particularly public hearings. Moreover, as seen in the preceding section on CDBG, hearings on community development block grant funds and general local budgets were found to be more successful than GRS hearings in involving citizens, measured both by the frequency of, and public attendance at, hearings. Neighborhood or district hearings on any part of the budget were rare, and these were predominantly in connection with the Community Development Block Grants.

Of the various types of formal citizen participation mechanisms, cities and counties made greatest use of public hearings in applying for and administering grants-in-aid generally. Counties tended to rely more on advisory committees than did cities, apparently because of their greater involvement in manpower planning programs.

Citizen participation tended to boost localities' participation in federal grant programs and to support continuation of a program after federal funding had ceased. Both of these trends, of course, have special implications in a period of fiscal constraint.

Impact of GRS Participation Requirements

The effect of GRS citizen participation requirements on participation in local and possibly state budget processes has been modest. As reported in detail in *Chapter 5*, 34% of city and 41% of county respondents stated that citizen participation had increased in their budget process during the last few years. Twenty percent of the city and 29% of the county officials said that the increases have been moderate or substantial. When asked if the increased participation was because of revenue sharing, 44% of the city and 49% of the county officials answered in the affirmative.

Responses to other questions, summarized above, indicate that further changes are in the offing. States are now going to schedule proposed use hearings; there will be more effort to involve senior citizens; and more publicity via newspapers or even through alternative media. At the local level, nearly 100% of all units now have two budget hearings, publish announcements of them, and report the results of the governing body's decisions. Public inspection of the proposed and actual budget is almost universal. About a third of all units have provided in some way for senior citizen involvement and over a quarter more plan to move in this direction in succeeding budgets. The number of citizens attending meetings or hearings on the use of local revenue sharing funds (separately or in combination with hearing or regular budget) exceeds the normal number for a separate hearing on the regular budget or a routine meeting.

Whether high levels of involvement actually will be attained is an open question, of course. The effect may be temporary, similar to that predicted by the ACIR and Caputo and Cole after the initial enactment of revenue sharing.[152]

Another and probably more important question is whether GRS-induced participation has any real influence on decisionmaking at the state and local levels. In the ACIR-ICMA survey, 43% of city and 44% of county officials said that citizen participation measurably affected the setting of priorities within their government's general budget. The question was asked about all participation practices, not just those mandated by GRS. It can be assumed, however, that the GRS requirements were significant, in light of the earlier responses concerning the effect of GRS on participation.

Yet, other questions relating to citizen involvement and local decisionmaking as well as written comments volunteered by the survey respondents, indicated that local officials were generally dubious about the effectiveness of citizen participation as manifested through the formal budget process.[153] Their comments reflected concern that citizen participation in budget formulation frequently comes at the tail end of the decisionmaking process. Many officials saw little difference between what happens as the consequence of public hearings and routine meetings of budget adopting bodies. Still others felt that opportunities for participation are primarily exploited by special interest groups.

If these views are correct, additional requirements at the federal level may lead merely to "formalistic" participation. Some argue, however, that formal activity can be the first step toward more active involvement. Others contend that in the short run, at least, formalistic and possibly sporadic budget hearing participation generated by federal requirements does not provide a substantial influence on fiscal decisions.

One other possible effect of GRS-induced participation should be noted. A substantial share of the original demands for federal participation requirements in GRS sprang from dissatisfaction with the alleged allocation of funds in a racially or geographically discriminatory way. Particular emphasis was placed on the tendency for the established budget process to allocate GRS funds to traditional municipal services (e.g., police, fire, sanitation) as against social or human services. If the new GRS requirements produce greater support for the latter, some of the liberal and minority group criticisms of the program and its earlier procedures would tend to subside, while local officials might assume a more antagonistic stance. This issue takes on special significance as increasing tax consciousness generates heightened movement toward cutbacks in local revenue. If California's Proposition 13 is an indication, social services are likely to be the most vulnerable to budget reductions, in which case the allocation of GRS funds and the procedures relating thereto are bound to assume more of a front-center position.

The Impact of Citizen Participation Requirements: Some General Studies

Following up on the examination of citizen participation in five federal aid programs in the preceding section, and recognizing that they provide only a sample but not a cross-section of grant programs with citizen participation requirements, this section seeks to both broaden and narrow the perspective. It attempts to look at a wider functional range of programs but to focus more specifically on the issue of the impact of citizen participation requirements.

The question of impact necessitates a clear conception of what the requirements are supposed to accomplish, that is, the objectives of Congress or grant administrators.[154] As far as Congress is concerned, one observer notes that:

> Authorizing legislation rarely provides any guidance for evaluating purposes. The typical statutory mandate calls for "widespread" or "meaningful" or "extensive" citizen involvement, without much direction concerning which groups are to be involved, which methods are to be used, what weight is to be attached to public views and so forth.[155]

Rosenbaum states that lacking clear direction from Congress, "the actors involved naturally view the objectives of citizen involvement in terms of their own institutional or ideological self-interest."[156] For the government administrator, the prime functional objective of citizen involvement is to mobilize public support for his decisions and his program. For the individual citizen, the basic objective is to ensure that the decisions of governmental administrators correspond with his needs and desires.

From a broad historical perspective, however, citizen involvement can be viewed as part of the overall trend toward democratization of our governmental institutions, embracing the fundamental goals of democratic theory: "to ensure that there is a close correspondence between governmental actions and preponderant public preferences and to prevent government from overstepping the bounds of its limited authority."[157] Rosenbaum translates the general goal into three specific evaluative criteria: accessibility, fairness, and responsiveness.

In her approach to evaluating citizen participation, Judy Rosener states it is first necessary to determine whether or not a program is perceived as an end in itself or as a means to an end, or a combination of both. If it is seen primarily as an end *per se*, effectiveness can be measured with relative ease, for example, by counting the number of people participating, keeping track of the kinds of people involved and the frequency of their involvement, and their attitudes about participation. On the other hand, when participation is a means to an end, measurement becomes more difficult. Two questions must then be answered: What are the goals and objectives that some specified participation is expected to achieve? How will it be known that there is a cause and effect relationship between what is being proposed as a participation activity and the achievement of the desired goals and objectives?[158]

Rosenbaum and Rosener offer their approaches to evaluation at a time when there has been a dearth of defensible evaluation studies. Such studies as have been done rarely have been scientifically rigorous enough to allow conclusions to be drawn with any certainty. Many reports on citizen participation are descriptive and hortatory from an advocacy point of view. These studies seldom try to link citizen participation with any clearly caused outcome. Even the more careful studies generally are limited to "associating" citizen action with changed programs or with changed citizen behavior. One major study noted that "in general, the quality of the citizen participation literature was poor, with few empirical studies."[159]

Granting the difficulties of performing sound evaluations and the scarcity of authoritative studies, enough such reports of sufficient currency are available to reach some conclusions on the impact of citizen participation requirements in federal grant programs. Four such reports offer evaluations of at least some aspects of citizen participation in two or more federally aided programs with citizen participation mandates. These are a study by The Rand Corporation for the Department of Health, Education, and Welfare in 1973; a study of municipal services systems conducted jointly by the Technical Assistance Research Program Institute (TARP) and the University of Michigan School of Public Health; a Rand examination of decentralization of five urban services; and the ACIR-ICMA survey of the opinions of city and county officials cited in the preceding section. The first three employ basically the same criteria for assessing citizens participation but cover essentially different functional ground.[160] The last relies entirely on the perceptions of local officials for evaluation and covers largely different functional ground from the other three.

CITIZEN ORGANIZATIONS IN HEW PROGRAMS

In 1971, then Secretary Elliot Richardson of the Department of Health, Education, and Welfare asked his staff to advise him on what forms, structures, and mechanisms of citizen participation would be most practicable and effective for HEW programs. He subsequently indicated that the department's principal objectives with respect to citizen participation were to (1) devolve to citizens a greater measure of power over HEW programs, (2) reduce feelings of alienation and estrangement from government, and (3) improve, if possible, the effectiveness of HEW programs. The department engaged The Rand Corporation to review prior experience with citizen participation and submit recommendations for HEW action. Rand employed TARP as subcontractor. Mainly because of the stringent time limitations, Rand confined its research largely to a literature review, supplemented with a limited number of specially commissioned case studies and interviews.

Citizen Boards and Committees[161]

Given the charge from HEW to focus on forms of citizen participation that at a minimum are capable of devolving power to citizens and could be implemented in the near future, Rand focused on citizen organizations (boards and committees), concluding that most other forms of participation, as they had been approached in the past, either had not been successful or would be difficult to implement. Excluded because they lie beyond the scope of HEW action even though they might devolve power were neighborhood governments, community development corporations, and the use of vouchers by grant beneficiaries. In addition, five forms of participation were identified that, while within the immediate scope of HEW action, did not by themselves, in their traditional use, fulfill the primary criterion of devolving power to citizens: volunteering, the employment of paraprofessionals, grievance procedures, citizen surveys, and citizen evaluations. These five were regarded, however, as possible secondary features of citizen organizations or procedures.

Three categories of citizen organization were identified according to their level of authority: citizen-dominated governing boards that determine policies, advisory committees composed partly or entirely of citizens, and organizations that fall between the other two and that might be called committees of limited authority. Citizens on the third type are granted one or two significant but limited responsibilities, such as the authority to hire a project director or sign the application for federal funds.

The Rand analysis considered 51 specific cases of participation through citizen organizations, drawn from rural and urban areas in 17 states. Thirty of the 51 were federally funded: 11 largely through HEW, eight through Model Cities, and about 15 as OEO projects.

Analyzing the 51 cases and using the three impact criteria proposed by Secretary Richardson produced the conclusion that, as already noted, citizen organizations do influence the conduct of local public activities and services. The impact varies among boards and committees but not simply because the organization has more or less legal power. The important traits are (1) possession of their own staff, (2) power to investigate grievances, (3) power to influence service budgets, and (4) election of citizen members.

In appraising how boards and committees affected citizens' feelings of alienation or estrangement from government, Rand identified two separate components: the citizen's feeling of power or powerlessness (efficacy) and his trust (or lack of it) in the political process. It concluded that, regardless of the organizational form, participation is unlikely to increase generalized trust in government. Further, political participation generally is related to a general sense of political efficacy, but participation in local organizations may be related only to a sense of efficacy in regard to the specific program or activity. The report concluded that citizen participation does not promise to change the general level of political alienation in our society, regardless of the organizational form of that participation.

Finally, the analysis found it most difficult to assess the impact of citizen participation in boards and committees on program effectiveness. Its conclusions were rather tentative: such citizen participation does not adversely affect program effectiveness, and boards in the aggregate have a somewhat more positive impact than do committees.

Citizen Participation in HEW in 1972[162]

Rand found in 1972 that many HEW programs had some formal requirement for citizen participation. These varied both in the type of citizen involvement mandated (e.g., local boards, state advisory committees, employment of paraprofessionals) and in the source of the requirement (e.g., law, federal regulation, or program guideline. The requirements often were vaguely stated, allowing for considerable variation even among different projects within the same program.

Sixty-nine HEW programs listed in the *Catalog of Federal Domestic Assistance* had citizen participation requirements. Twenty-eight required local advisory bodies, 21 paraprofessionals, 19 state advisory boards, four some type of specific parental involvement, three areawide advisory bodies, and one each required "general" or volunteer participation (some programs required more than one participation mode). In general, health programs most frequently were marked by requirements for local advisory committees; education programs usually called for a mixture of local and state advisory committees; and welfare programs called only for the weaker forms of participation—state advisory committees and the employment of paraprofessionals.

Rand attributed the variation of citizen participation requirements within each area of health, education and welfare to the range of programs, but also to the lack of an overall citizen participation policy at either the departmental or agency level. The existing citizen participation provisions stemmed from the unique history of specific HEW programs and consequently did not follow any general pattern. Furthermore, the formal requirements usually were not explicit about the precise form participation should take. Often neither the membership nor the powers of committees was made clear. The possible consequence was the establishment of only nominal types of citizen participation. In addition, when combined with the absence of clear departmental or agency policies the vagueness of requirements meant an increased dependence on the attitudes of program staff in determining the ultimate form and content of participation.

Rand reported that the actual amount and quality of citizen participation in HEW programs was unknown, due to the lack of a systematic monitoring or enforcement procedure. Special surveys of specific programs, however, suggested that, while compliance was usually more frequent than noncompliance, significant cases of noncompliance existed. For example:

- In migrant health, only 69% of the projects had organized the mandated local boards.
- In family planning, 13% of the projects had no citizen participation of any type though some type was required.
- In Medicaid, 32 states failed to have some citizen membership on their advisory committees and several states had neither recipients nor consumer representatives.

Because of the lack of systematic monitoring, the general impact of citizen participation activities also was unknown.

Based on some experimental work in HEW, Rand suggested the components of a departmental program for monitoring citizen participation:

- It should cover a systematic sample of projects.
- It should be a year-round activity.
- Field evaluators and monitors needed proper training.
- The monitoring results must be linked to overall program reviews on a timely and systematic manner.

FEDERALLY AIDED MUNICIPAL SERVICES

In 1974 under a National Science Foundation (NSF) grant, the TARP Institute and the School of Public Health of the University of Michigan completed an overview and summary of an evaluation of policy related research on citizen participation in eight municipal service systems.[183] The study was one of a series funded by NSF directed toward evaluating policy-related research on municipal systems, operations, and services in the hope of making the research more useful to decisionmakers. The specific aim of the municipal services studies was to provide a basic understanding of the citizen participation phenomenon, the quality of the research contributing basic knowledge about citizen participation, and the range of conclusions and policy recommendations that appeared sustainable within the limits of the research.

The eight services were Community Action/Model Cities, urban renewal, health, education, welfare, legal system, environmental planning, and transportation planning. Citizen participation requirements were usually generated by federal regulations tied to program funding, but in some cases were also mandated by municipal and state legislation.

The report first summarized the evaluation of the research from the eight volumes and found that, on the whole, the quality of the citizen participation literature was poor. "Specific findings and policy implications are somewhat strengthened by cross-system analyses which indicate common results. Standing alone, however, there are major difficulties in establishing clear relationships between citizen participation and system outputs."[184]

After that general appraisal, the report summarizes the defensible findings and conclusions on citizen participation found in the basic volumes. Findings were examined in the light of the following set of policy objectives:

- increase the influence of ordinary citizens in municipal service system decisionmaking processes,
- enhance the effectiveness and efficiency of municipal service system program performance, and
- change citizen attitudes.

The first two are essentially the same as two used in the HEW study by Rand. The third is generally directed toward citizens' attitudes and not as pinpointed on the reduction of feelings of alienation as the HEW criterion. The difference probably reflects HEW's greater concern with low income, disadvantaged citizens than the range of municipal services covered in the NSF study.

The reported findings on each of the three criteria for each of the eight services are summarized in *Table 4-14*. The influence of ordinary citizens was positively affected only in neighborhood health centers, although in civilian police review boards occasional cases of influence were noted. In the most active program of citizen participation (Community Action/Model Cities), participation involved mostly middle class citizens or those with prior leadership experience. In urban renewal, business influence was predominant; providers tended to dominate health planning; and in education, such citizen leadership as was developed had to accommodate to the professional/administrative elites.

Citizen participation affected performance positively in Community Action/Model Cities, health, welfare, and legal systems. Community Action/Model Cities programs' priorities were moved toward human services; in health centers the influence showed up in the centers' overall performance rather than in any particular service; in welfare, there was evidence of a positive link between citizen participation and expanded services, consumer-oriented changes in regulations, and heightened sensitivity of case workers to clients' needs; and in legal systems

Table 4-14

SUMMARY OF ACCOMPLISHMENTS OF CITIZEN PARTICIPATION IN EIGHT FEDERALLY AIDED MUNICIPAL SERVICES, AS REPORTED IN A 1974 SURVEY OF POLICY RELATED RESEARCH

Municipal Service	Does Citizen Participation Affect Influence Available to Ordinary Citizens?	Does Citizen Participation Affect Performance of Municipal Service System Programs?	Does Citizen Participation Affect Citizens' Attitudes About Municipal Service Systems and Society in General?
Community Action/Model Cities	Leaders usually from middle class. Influence on decisionmaking related to ability to act as a bloc and external to Community Action/Model Cities structure.	Influences program priorities toward human services, away from physical. Best Model Cities plans result from involvement of citizens.	Citizens on Community Action boards likely to develop increasing confidence, power, less alienation, but positive effect does not extend to nonparticipating service recipients.
Urban Renewal	Ordinary citizens have little influence, but business community influence significant.	Negative effect when citizens not involved in early planning. Positive influence not established.	Strong link between active participation, decreased alienation from Urban Renewal process.
Health	In neighborhood centers, more citizen influence where committees have full governing authority or limited control over specific decisions. Providers tend to dominate health planning process; citizen members are more influential when systematically trained.	Citizen Participation on neighborhood center board influences center's overall performance, not specific amounts and types of services.	Positively related to preventive health behavior attitudes.
Education	Committees exert only marginal influence. Leaders are developed through committees, but achieve influence only through accommodation to professional and administrative elites. Citizen influence over school budgets is limited.	No conclusive evidence.	Citizen Participation influences citizens to believe they can affect education process, but since they do not really exert influence, creates "false consciousness" which may adversely affect change efforts.
	Evidence weak.	Citizen Participation positively linked to expanded services, consumer-oriented changes in regulations. Welfare rights units responsible for increased sensitivity of case workers.	Participation in welfare rights organization produces more optimistic outlook, but this may be because only "future-oriented" people constitute the ones studied.

Legal System	Limited acceptance of citizen proposals through civilian police review boards.	Citizen volunteers increase supporters services in corrections, thereby reduce recidivism. Limited evidence that citizen committees increase satisfaction among legal service clients.	Strong positive link between Citizen Participation and attitudes toward police, corrections.
Environmental Planning	Citizens have virtually no input, then efforts to develop positive role generally ignored.	No conclusive evidence.	No literature.
Transportation Planning	Minimal influence because of lateness in planning process.	No findings.	No literature.

SOURCE: ACIR staff tabulation of material in Joseph L. Falkson, *An Evaluation of Policy Related Research on Citizen Participation in Municipal Service Systems: An Overview and Summary*, Ann Arbor, MI, The University of Michigan School of Public Health, November 1974, pp. 23-31.

citizen volunteers in corrections were seen to help reduce recidivism. In urban renewal, negative effects were noted unless citizen participation occurred at an early stage.

Finally, in several cases evidence was found of changes in citizen attitudes due to citizen participation. In legal systems, health centers, urban renewal, and community action, attitudes became less negative, although in the last the changes did not extend to nonparticipating service recipients. Changes in citizen perspectives occurred in other services, but with reservations. Education participants had improved attitudes, but this was ascribed to a "false consciousness," meaning that those citizens incorrectly believed they had influence. Participants in welfare programs had improved attitudes but possibly due to a self-selection process of "future-oriented" people.

In general, the study found that citizen participants were middle class or upwardly mobile members of lower income groups. They tended to be active in more than one municipal system (health and urban renewal, for example).

The researchers found it difficult to make generalizations from the citizen participation research studies, given the ambiguity of their findings and their uneven quality. Yet, certain conclusions were drawn:

1. Citizen participation is least effective in the later stages of planning. "At that stage, professional and administrative dominance has had the opportunity firmly to orient policy and program directions, making it extremely difficult for alternative citizen-initiated options to be considered."[165]

2. The structural characteristics of the municipal service have more influence on the level of citizen participation than the type of participative mechanism. Highly structured services such as Model Cities or urban renewal offer a greater chance for successful intervention than fragmented systems or those dominated by professionals, such as health, education, welfare, police, transportation planning, and environmental planning.

3. Citizen participation plays a limited role in the determination of municipal service performance and little evidence exists of much real influence over budgetary allocations.

4. Evidence that citizen participation has any impact on citizen attitudes is the weakest area of the findings. The reason appears to be that many citizen participation efforts are not able to address authentic citizen needs.

DECENTRALIZATION STUDY

Another study funded by the National Science Foundation also covered a cluster of municipal functions, most of which use federal money, and provides another evaluation of citizen participation at the local level.[166] Its central focus was the decentralization of urban services. One of the two dimensions of decentralization was defined as "the transference of responsibility and power to those very people who are affected by the program or innovation in question."[167] In the process of assessing decentralization efforts, therefore, citizen participation had to be evaluated.

Again, the appraisal was based on an examination of case studies, covering some 215 in all. These were divided as follows among five functional areas: public safety—18%, education—16%, health—22%, multiservice programs (including such federally funded programs as Community Action/Model Cities and neighborhood facilities)—19%, and economic development (primarily federally funded through the special impact program of the Office of Economic Opportunity)—25%.

Citizen boards and employment of indigenous paraprofessionals were the only two types of participative mechanisms examined. These were weighted in the 215 cases against five outcomes: increased flow of information, improved agency attitudes, improved client attitudes, improved services, and increased client control. The last three correspond closely to the three criteria used in the Rand study for HEW cited earlier.

Of the five outcomes, only increased client control was associated with increased levels of participative mechanisms. Table 4-15 provides some of the details and indicates increasing client control with boards only or in conjunction with paraprofessionals.

The study also probed more deeply into citizen board activities in order to ascertain which board functions were effective in achieving client control. Six different functions were identified: signoff authority over grant applications or service decisions, planning for new programs or facilities, grievance investigation, budget review of requests or expenditures, personnel review for hiring, firing or promoting, and supervision over paid staff.

The earlier Rand study had found that the latter four functions were important mechanisms for increasing client control, with supervision of paid staff the most important.[168] This study confirmed that finding, with the exception of grievance investigations. Budget review, per-

Table 4-15

TYPE OF CITIZEN PARTICIPATION AND DECENTRALIZATION OUTCOMES (n 215)

		Percentage Occurrence of Outcome				
Type of Participation	**Total Number of Studies**	**More Information**	**Improved Agency Attitudes**	**Improved Client Attitudes**	**Improved Services**	**More Client Control[1]**
No Citizen Participation	54	70.4%	14.8%	30.0%	59.3%	0.0%
Paraprofessionals Only	30	83.3	20.0	26.7	66.7	10.0
Boards Only	72	52.8	5.6	15.3	57.0	30.6
Boards and Paraprofessionals	59	52.5	15.3	30.5	83.1	39.0

[1]Differences are significant at the p <.001 level; differences for the other four outcomes are not statistically significant.

SOURCE: Robert K. Yin and Douglas Yates, *Street-Level Governments: Assessing Decentralization and Urban Services*, Santa Monica, CA, The Rand Corporation, 1974, p. 198.

Table 4-16

CITIZEN PARTICIPATION MECHANISMS USED BY CITIES AND COUNTIES IN APPLYING FOR, OR ADMINISTERING FEDERAL GRANTS, BY FUNCTIONAL TYPE OF GRANT PROGRAM

Program	Responses		Type of Mechanism (percentage)							
			Advisory Committee		Public Hearings		Publish Application		Inspection of Application	
	City	County	City	County	City	County	City	County	City	County
Community Development Block Grant	1,120	147	*65.4%*	*58.5%**	*93.4%*	*87.8%**	*71.3%*	*74.1%*	*76.4%*	*75.5%**
Law Enforcement	842	235	19.9	41.5	32.9	34.7	24.9	28.4	38.6	39.0
Water and Sewer	735	124	24.0	40.3	67.4	74.2	37.2	40.3	47.3	51.6
Housing	493	87	63.4	*72.4*	70.7	67.8*	48.1	52.9	57.7	55.2*
Transportation	437	129	45.7	59.7	62.0	66.7	36.1	38.0	48.2	51.9
Manpower Planning	412	200	32.7	67.5	34.6	55.0	31.2	52.0	41.9	45.5
701 Planning	343	117	47.3	56.8	52.1	57.6	35.8	39.8	51.0	50.8*
Health	192	177	49.2	68.4	50.3	52.0	32.0	33.9	41.6	42.9
Other	129	30	44.6	66.7	59.2	76.7	40.8	40.0*	55.4	46.7*

NOTE: *Whenever municipal response rates are greater than county response rates for a specific mechanism. Italics indicate highest scores for each mechanism for each unit of government.

SOURCE: ACIR-ICMA survey, 1978.

sonnel review, and supervision were more highly associated with increased client control. Supervision of staff, as in the earlier study, was the most strongly associated with client control.

SURVEY OF LOCAL OFFICIALS

Earlier in this chapter, reference was made to the ACIR-ICMA's 1978 survey of city and county officials on citizen participation in fiscal decisionmaking at the local level, particularly in the community development block grant and general revenue sharing programs. Two questions in that same survey may shed some light on citizen participation in a range of grant-aided programs and the impact of that participation, as seen from the vantage point of a cross-section of city and county officials.

Participation Techniques Used in Grant-in-Aid Programs

The survey queried local officials on the formal citizen participation mechanisms they used in specified functional areas in which they received federal grant funds. The mechanisms identified were advisory committees, public hearings, publication of grant applications, and inspection of applications. The results are summarized in *Table 4-16.*

What do these figures mean? Ideally, they should be able to tell us, first, which citizen participation mechanisms are used most heavily in each program area by cities and counties and, second, help lead to some conclusions on the impact of citizen participation requirements. Approaching the first question requires aggregating the numbers in some fashion horizontally and vertically. Before doing that, it must be decided what weights should be given to each of the sets of data. For example, should a 50% participation rate in the use of advisory committees count equally with a similar rate in citizen participation in the publication of applications? Similarly, should a 50% participation rate in transportation programs weigh no more than a 50% rate in law enforcement? Whether equal or some other relative weight should be used depends on such questions as: Should greater weight be given to mechanisms and/or programs in which citizen participation is mandated? Should it be given when the particular kind of mechanism is judged especially important to a certain program?

One basis for assigning weights is the degree to which each of the mechanisms is mandated by federal law or regulation. When that information becomes available from its current survey, ACIR can explore such an approach. Until that time, and possibly for illustrative purposes only, the simplest approach is to assume the assignment of equal weight to all percentages in the table. That assumption leads to the following findings:

- As among the different participative mechanisms, cities made greatest use of public hearings, followed in order by inspection of the application, publication of the application, and advisory committees. The rank order reported by counties was public hearings, advisory committees, inspection of applications, and publication of applications. Counties' greater use of advisory committees was especially marked in manpower planning.

- As among the different functional programs, cities reported greatest participation in the 701 planning program, counties in the Community Development Block Grant program. The complete ranking for both cities and counties was:

Cities

701 Planning
Community Development Block Grant
Housing
Other
Transportation
Water and Sewer
Health
Manpower Planning
Law Enforcement

Counties

Community Development Block Grant
Housing
Other
Manpower Planning
Transportation
Water and Sewer
701 Planning
Health
Law Enforcement

- Comparing overall performance between cities and counties—again, as reported by the local officials surveyed—counties experienced a higher rate of participation. In the 36 pairings between cities and counties (four types of mechanisms times nine grant programs), the counties reported higher rates for 28 cases.

Regarding the second question posed above—what does this all mean in terms of the impact of citizen participation requirements—one observation may be tentatively ventured at this point, using the aggregates of unweighted numbers. Based on the proposition followed in the first Rand study cited above—that of the four listed participative mechanisms only advisory committees offer a real devolution of power—it appears that the cities and counties using federal programs are not emphasizing the mechanism best calculated to deliver the most power to the citizens, particularly in the case of the cities.

Citizen Participation's Impact on Localities' Participation in Grant Programs and on Their Budget Decisions

A series of questions in the ACIR-ICMA survey sought to find out, first, how citizen participation requirements affected localities' participation in federal grant programs generally; and second, how they influenced, indirectly or directly, local budget decisions. The questions and rates of response are captured in *Table 4-17.*

The responses indicate that citizen participation has a relatively minor tendency to influence local governments to drop staff-developed grant proposals. Only about one-sixth of the cities and one-tenth of the counties reported such an impact. Answers to the next question show that, to the contrary, citizen involvement was a positive force when a local government sought to participate in federal grant programs. In over 60% of the cities and counties, new grant proposals were stimulated by citizen participation. These

Considering the generally expansionary effect of citizen participation on local expenditures as revealed in the answers to these five questions, the response to the final question is somewhat surprising. The question was: Has citizen participation had a measurable effect on the setting of priorities within your local government's general budget? Forty-three percent of the cities and 44% of the counties answered in the affirmative. While this percentage for city officials is about the same as their response to the question on continuing services where grants were terminated (40.7%), it is notably lower than the percentage who said citizen participation was responsible for development of new grant proposals (60.9%). One explanation (further elaborated in *Chapter* 5) is that the budget process is a yearly, routine occurrence which does not have the policy implications that grants have and thus the fiscal impact of grants may be viewed as outside the normal budget process.

Summary

The five case studies, the three consultants' reports on an array of federally aided programs, and the ACIR-ICMA survey covered a broad range of experience with citizen participation in grant-aided programs in recent years. As would be expected of any appraisal of a phenomenon involving many federal agencies, numerous functional programs, all three levels of government, and a Congress which has not worked out a consistent set of goals, objectives, and approaches in this field, this analysis projects a fairly kaleidoscopic picture of citizen participation in terms of aims, mechanisms employed, and attainments. Differences extend to such matters as the degree to which federal mandates have been met; whether the mandates actually have stimulated participation and, if so, whether all concerned interests have become involved; whether the participation has had an impact, in terms of increasing the influence of participants over government decisionmaking, improving the delivery of services, and increasing citizens' interest in and support for their government; and the problems encountered by federal agencies in monitoring compliance with requirements.

- Among the programs covered by the five case studies, full compliance with participation requirements was in doubt only in the CDBG program, based on replies to the ACIR-ICMA survey. In that case, the reported noncompliance with the hearing provision may have been due to the recency of the localities' entering the program or a misreading of the questionnaire. Other appraisals of CDBG, namely by HUD and The Brookings Institution, found full compliance. The Rand study found the extent of compliance in HEW programs was unknown due to the lack of a systematic monitoring or enforcement procedure. It found evidence that noncompliance clearly existed at the time of its study in the migrant health, family planning, and Medicaid programs.

- The record was not nearly so consistent on the issue of whether federal mandates had actually stimulated participation. In the community health center program it appeared that a substantial level of participation had already been established by the predecessor neighborhood health centers under the *Economic Opportunity Act*, so little if any increase could be credited to the 1975 federal legislation. Stimulation was seen in the Title XX, CDBG, and GRS programs. The appraisal of the Coastal Zone Management (CZM) program centered on California and Oregon where the affected environmental issues had attracted the attention of various interests and the state governments well in advance of federal legislation. As a result, citizen participation already exceeded the minimum federal mandate.

- Where the federal government expressed its intention that certain groups should have an opportunity to participate—either through the legislative history or by explicit statutory or regulatory provision—those groups did not in fact always participate, or participate effectively. This was the case in Title XX, where the poor and unorganized did not participate as much as originally had been hoped. The same situation in the early stages of the CDBG program led to much criticism in the Congressional hearings on renewal of the CDBG legislation. In part, this was a criticism of the program's failure to target funds more on the needy neighborhoods rather than spread them city or countywide. Some traced the "spreading" effect to the mayor's key role in the program, since he would regard a "spreading" approach as more likely to help him build communitywide political support than a "targeting" approach.

Table 4-17

LOCAL OFFICIALS' OPINIONS ABOUT THE EFFECTS OF CITIZEN PARTICIPATION ON THE GRANT-IN-AID PROCESS AND LOCAL BUDGET DECISIONS

	Percentage Yes	
Question	**Cities**	**Counties**
Have grant proposals developed by local government staff been dropped because of citizen participation?	16.8 %	11.8 %
Have new grant proposals been developed as a result of citizen suggestions?	60.9	63.3
Has your local government transferred funding for a service or program from its general budget to a grant because of citizen participation?	19.7	26.9
Has your local government assumed the costs in its general budget for continuing a service or program funded through an expired grant because of citizen participation?	40.7	58.8
Has your local government dropped a service or program funded through a grant when the grant expired because of citizen participation?	12.2	18.6
Has citizen participation had a measurable effect on the setting of priorities within your local government's general budget?	42.9	43.8

SOURCE: ACIR-ICMA survey, 1978.

two sets of responses tell a lot about the general thrust of public opinion toward expanding services through federal grants, at least as articulated by citizens engaged in formal participation mechanisms.

One-fifth of the cities and one-fourth of the counties reported that citizen inputs were responsible for their transferring funding for a service or program from their general budget to a grant. The relatively low number of jurisdictions reporting such actions should come as no great surprise. Citizens, after all, usually support expansion of programs rather than a shifting of funds to an uncertain funding source and, in many cases, maintenance of effort provisions attached to federal grants require the recipient to use the federal money to expand expenditures rather than substitute federal for local money.

The stimulative influence of citizen participation on local expenditures is further demonstrated in the survey responses to another question: Has your local government assumed the costs in its general budget for continuing a service or program funded through an expired grant because of citizen participation? Forty-one percent of the city officials and 59% of the county officials answered "Yes." This suggests that local officials might have been inclined to drop a program funded by a federal grant, but were dissuaded by public opinion channeled through formal participation mechanisms.

The answer to the next question again presents the other side of the coin. Only 12% of the city officials and 19% of the county officials were of the opinion that citizen participation caused their units to drop a service or program once the federal grant terminated. Clearly, citizen participation mechanisms are not basically an influence for reducing local government's fiscal involvement once initiated.

- On the issue of whether citizens actually influenced decisionmaking, the answer was "yes" but with an array of qualifications. HUD and The Brookings Institution found that citizens influenced the selection of CDBG activities and the level of social service expenditures, yet a good deal of dissatisfaction was voiced on this score at Congressional hearings. Cities and counties were charged with not being responsive enough to citizen participants' inputs. A substantial portion of respondents to the ACIR-ICMA survey thought that citizens involvement in GRS budget process affected the setting of budget priorities. In the CZM program in California and Oregon, citizens clearly had an impact on coastal zone environmental decisions, but that had to be ascribed to activities set in motion earlier by citizen and other groups and the state governments, rather than to the requirements of federal legislation.

- The Rand study of HEW committees concluded that those mechanisms exerted influence on program decisions, but the amount depended on certain vital traits such as staff at the committee's disposal, the power to investigate grievances, and the election of citizen members. A similar finding regarding those traits was made in the Rand study of urban decentralization. In its study of municipal services, the TARP-Michigan group concluded that ordinary citizens exerted influence only in the neighborhood health centers. Usually citizen participants were middle class or upwardly mobile members of lower income groups who tended to be active in more than one municipal system. City and county officials, according to the ACIR-ICMA survey, saw citizen influence exerted in a variety of ways: by stimulating the locality's participation in grant programs; by supporting the transfer of funds from the general budget to a grant program; and by exerting pressure on the local government to retain a program even after federal grant funds had ceased.

- On the closely related question of the effect on program performance, some positive results were reported by the TARP-Michigan group in four of the eight services examined: Community Action/Model Cities, health, welfare, and legal systems. Yet, the overall conclusion was that citizen participation plays a limited role in determining municipal service performance. The Rand-HEW study was even more negative: it would say only that citizen participation does not adversely affect program effectiveness. Generally, it felt that the impact on HEW programs could not be judged because of the lack of systematic monitoring.

- Citizens' feelings of alienation from government—another element to be considered in judging the impact of citizen participation—are unlikely to be reduced by greater participation, according to the Rand-HEW study. Citizens may feel a heightened sense of efficacy toward a particular program but not toward government generally. The TARP-Michigan findings were somewhat more sanguine. In legal systems, health centers, urban renewal and Community Action, they perceived that attitudes became less negative. Insofar as these were attitudes toward specific programs they did not conflict with the general finding of the Rand-HEW study. However, TARP-Michigan pointedly noted that the impact of citizen participation on citizen attitudes was its weakest area of findings.

FOOTNOTES

[1] Walter A. Rosenbaum, "Public Involvement as Reform and Ritual: The Development of Federal Participation Programs," in *Citizen Participation in America*, Stuart Langton, ed., Lexington, MA, Lexington Books, 1978, pp. 81-94.

[2] *Administrative Procedures Act, Legislative History*, 79th Cong., 1944-46, Part 3, Washington, DC, U.S. Government Printing Office, 1946.

[3] *P.L. 79-404.*

[4] Rosenbaum, *op. cit.*, p. 82.

[5] *P.L. 88-253*, Section 202(a)(3).

[6] *P.L. 89-754.*

[7] *P.L. 89-487.*

[8] Rosenbaum, *op. cit.*, p. 82.

[9] *Ibid.*, p. 82.

[10] *Ibid.*, p. 83.

[11] *Ibid.*

[12] 33 U.S.C. 1151, cited in Rosenbaum, *op. cit.*, p. 82.

[13] *Ibid.*, p. 85.

[14] *P.L. 94-409.*

[15] 5 U.S.C. 552.

[16] 5 U.S.C. 552b.

[17] 5 U.S.C. 553.

[18] Recently questions have been raised—notably by environmental groups—about the authority of the President vis-a-vis agency rulemaking after the close of the public comment period. It has been charged that the Presidentially appointed Regulatory Analysis Review Group may have exceeded their legal authority in attempting to influence rulemaking decisions of the Environmental Protection Agency and the Occupational Safety and Health Ad-

BEST COPY AVAILABLE

ministration. Letter, staff attorney, Environmental Defense Fund, to ACIR, February 1, 1979.

[19] *P.L. 94-437.*

[20] *P.L. 92-463*, sec. 10.

[21] Federal Interagency Council on Citizen Participation, *At Square One*, Proceedings of the Conference on Citizen Participation in Government Decisionmaking, Washington, DC, U.S. Government Printing Office, December 1976, Foreword.

[22] U.S. Senate, Committee on Governmental Affairs, *Public Participation in Regulatory Agency Proceedings*, Study on Federal Regulation, Vol. III, Washington, DC, U.S. Government Printing Office, 1977.

[23] Congressional Record, Washington, DC, U.S. Government Printing Office, January 31, 1979, pp. S858-80.

[24] U.S. Senate, Committee on Governmental Affairs, *op. cit.*, pp. 74-6.

[25] Letter, OMB to ACIR, February 9, 1979.

[26] The Environmental Protection Agency has similar authority in proceedings that are under the *Toxic Substances Act.*

[27] *P.L. 93-637.*

[28] U.S. Senate, Committee on Governmental Affairs, *op. cit.*, pp. 98-9.

[29] Letter, OMB to ACIR, February 9, 1979.

[30] U.S. Senate, Committee on Governmental Affairs, *op. cit.*, p. 95.

[31] *Ibid.*, p. 64.

[32] *Congressional Quarterly*, Washington, DC, Congressional Quarterly, Inc., February 11, 1978, p. 324.

[33] *Weekly Compilation of Presidential Documents*, Washington, DC, U.S. Government Printing Office, March 27, 1978, Executive Order 12044, March 23, 1978. Implementing guidelines were issued by the Office of Management and Budget in the *Federal Register* of February 28, 1979, pp. 11356-62.

[34] *Federal Register*, Washington, DC, U.S. Government Printing Office, July 6, 1976.

[35] *Weekly Compilation of Presidential Documents*, Washington, DC, U.S. Government Printing Office, May 1, 1978, pp. 789-90.

[36] The Office of Esther Peterson, The White House, *Consumer Involvement in Federal Agencies: A Preliminary Analysis*, August 7, 1978.

[37] U.S. General Services Administration, *Federal Advisory Committees, Sixth Annual Report of the President*, Washington, DC, U.S. Government Printing Office, March 1978.

[38] *P.L. 92-463.*

[39] Harold C. Relyea, *Development and Organization of White House Conferences*, Congressional Research Service, Library of Congress, April 20, 1978 (rev.) p. 1.

[40] *Ibid.*, pp. 11-2.

[41] *Ibid.*, pp. 11-2.

[41] Ivan Elmer, "Chambers of Commerce, Participation and the Establishment," in Edgar Cahn and Barry Passett, eds., *Citizen Participation: Effecting Community Change*, New York, NY, Praeger Publishers, 1971, pp. 214-22.

[42] Wayne D. Rasmussen and Gladys L. Baker, *The Department of Agriculture*, New York, NY, Praeger Publishers, 1972, p. 213, and unpublished manuscript by Gladys L. Baker, "Washington, the Field and the Farmer," undated, pp. 3-4.

[43] Rasmussen and Baker, *op. cit.*, pp. 215-17; Baker, *op. cit.*, pp. 11-5. Also see Study Committee on Federal Aid to Agriculture, *Federal Aid to Agriculture*, report submitted to the Commission on Intergovernmental Relations, Washington, DC, U.S. Government Printing Office, June 1955, p. 26, and Reed L. Frischknecht, "The Democratization of Administration: The Farmer Committee System," *American Political Science Review*, Vol. XLVII, No. 3, Menasha, WI, September 1953, pp. 704-27.

[44] Philip Selznick, *TVA and the Grass Roots*, Berkeley and Los Angeles, CA, University of California Press, 1949, p. 28.

[45] *Ibid.*, pp. 40-1.

[46] Howard Hallman, "Federally Financed Citizen Participation," in *Public Administration Review*, Special Issue, September 1972, p. 421. For information about citizen involvement after the 1950s, see Carl Stenberg, "Citizens and the Administrative State: From Participation to Power," in *Public Administration Review*, Washington, DC, May/June 1972, pp. 190-8.

[47] Hallman, *op. cit.*, pp. 422-3.

[48] See "Citizens and Model Cities: Major Issues and Relationships," *1971 Municipal Year Book*, Washington, DC, International City Management Association, 1971, pp. 12-6.

[49] For further documentation of the recent acceleration in multiplication of citizen participation requirements, see the section below, *The Recent Blossoming of Citizen Participation Requirements.*

[50] *P.L. 89-487.*

[51] *P.L. 93-502.*

[52] *P.L. 94-409.*

[53] A 1978 Common Cause study reported, however, that less than 40% of the meetings of 47 federal agencies covered by the *Sunshine Act* were fully open to the public in the act's first year of operation, *Washington Post*, Washington, DC, August 31, 1978.

[54] *P.L. 92-463.*

[55] The quoted language is from the statute or a Congressional committee report.

[56] The Forest Service is mentioned in Lloyd Ireland, "Citizen Participation—A Tool for Conflict Management on the Public Lands," *Public Administration Review*, Washington, DC, May/June, 1975, pp. 262-9; water management in Kris Kauffman and Alice Shorett, "A Perspective on Public Involvement in Water Management Decisionmaking," *Public Administration Review*, Washington, DC, September/October, 1977, pp. 467-71; and technology assessment in Erasmus Kloman, "Public Participation in Technology Assessment," *Public Administration Review*, Washington, DC, January/February, 1974, pp. 52-9.

[57] *P.L. 92-512*, sec. 121, 123(a)(4).

[58] *P.L. 94-488*, sec. 7.

[59] These are requirements imposed on *state* and *local* recipients—they do not include requirements in statutes and regulations that apply to federal agencies. Thus, they do not include, for example, *national* advisory boards or committees.

[60] The ACIR's report, *A Catalog of Federal Grant-in-Aid Programs to State and Local Governments: Grants Funded FY 1978*, A-72, Washington, DC, U.S. Government Printing Office, 1979, identified 492 categorical, five block, and one revenue sharing program, a total of 498. This figure is not strictly comparable to the 155, however, since a single program included in the agency survey (e.g., highways) represents several in the ACIR grant count. Roughly speaking, nevertheless, it appears that between one-fourth and one-third of the grant programs have citizen participation requirements now.

[61] The 89 programs actually involve only 70 separate boards or committees—in a number of cases a single board/committee serves more than one program.

[62] Three programs are not listed in the *Catalog of Federal Domestic Assistance.*

[63] For this analysis, the term does not include economic groups that have a direct provider interest in a program, such as the health care industry vis-a-vis certain health programs. The latter are classed under one of the "provider" headings.

[64] The 17 are associated with 24 grant programs—a number of programs use the same board/committee.

[65] 33 USC 1251(e).

[66] See ACIR, *Fiscal Balance in the American Federal System*, A-31, Washington, DC, U.S. Government Printing Office, 1967, p. 151.

[67] Noncomparability is most noticeable in the figures for the Department of Transportation. In its total figure as of January 1, 1978, ACIR included many separate programs that are represented by one listing in the second column.

[68] P.L. 89-749, the *Comprehensive Health Planning and Public Health Service Amendments*.

[69] U.S. Senate, Committee on Labor and Public Welfare, *Health Services Act of 1974*, Report 93-1137, to accompany S. 328, Washington, DC, U.S. Governmental Printing Office, September 5, 1974.

[70] *Ibid.*, p. 6.

[71] *Ibid.*, p. 15.

[72] Interview with Dr. Siegel Young, Community Health Service Bureau, Public Health Service, Rockville, MD, June 8, 1977.

[73] 41 *Federal Register*, Washington, DC, U.S. Government Printing Office, December 3, 1976, p. 53210.

[74] *Ibid.*

[75] In its report on the 1978 amendments to the community health centers legislation, the Senate Human Resources Committee declared that it is "firmly committed to consumer majority governing boards" and it proposed no change in current board requirements, U.S. Senate, Human Resources Committee, *Health Services and Centers Amendments of 1978*, Report 95-860, to accompany S. 2474, Washington, DC, U.S. Government Printing Office, May 15, 1978, p. 28.

[76] Interview with Bernard Passer, Region II, Director for Health Services, June 1977.

[77] Letter from G.A. Reich, Regional Health Administrator, Public Health Service, Region IV. For a similar view from a related program, see James Glass, "Citizen Participation in Comprehensive Health Planning: Conflict and Control," a paper presented to the 1977 Annual Conference of the American Society for Public Administration, Atlanta, GA.

[78] Minutes of the 1977 Board meetings and one grant application for Martin Luther King, Jr., Health Center in the Bronx, the Mid-Westside Neighborhood Health Center in New York City and the Syracuse Neighborhood Health Center were reviewed. The first two centers were changing to a community corporation from a hospital grantee, while the Syracuse Center was changing from a university to community corporation grantee.

[79] For additional background, see U.S. House of Representatives, Committee on Ways and Means, *Social Services Amendments of 1974*, Report 93-1490, to Accompany H.R. 17045, Washington, DC, U.S. Government Printing Office, November 22, 1974, and *Social Services Amendments of 1974*, Report 93-1643, Conference Report to Accompany H.R. 17045, Washington, DC, U.S. Government Printing Office, December 19, 1974.

[80] Jerry Turem, et. al., *The Implementation of Title XX: The First Years Experience*, Washington, DC, The Urban Institute, under contract 500-75-0010 with the Social and Rehabilitation Service, Department of HEW, working paper, November 1976, p. 4.

[81] *Ibid.*, pp. 7 and 17.

[82] Francis Zorn, Leilani Rose, and Beryl Radin, "Title XX and Public Participation: An Initial Assessment," *Public Welfare*, Washington, DC, American Public Welfare Assoc., Fall 1976, pp. 20-5. This section relies heavily on this article.

[83] Leilani Rose, Francis Zorn, and Beryl Radin, "Title XX and Public Participation: An Initial Assessment," *Public Welfare*, Washington, DC, American Public Welfare Assoc., Winter 1977, pp. 24-31.

[84] *Ibid.*, p. 29.

[85] Turem, *op. cit.*, p. 4.

[86] *Ibid.*, pp. 96-102.

[87] Interview with Katherine Godwin, Public Services Division, Social and Rehabilitation Service, June 29, 1977.

[88] ACIR, *Block Grants: A Roundtable Discussion*, A-51, Washington, DC, U.S. Government Printing Office, October 1976, pp. 21-2.

[89] 42 *Federal Register*, Washington, DC, U.S. Government Printing Office, January 31, 1977, p. 5852.

[90] *Staff Data and Materials of Social Service Proposals*, prepared for the Senate Committee on Finance, May 6, 1976, Washington, DC, U.S. Government Printing Office, pp. 3-4.

[91] Bill Benton, et. al., "Participation and Influence in State Social Services Decisionmaking," Washington, DC, The Urban Institute, October 1971, p. 23.

[92] *P.L. 92-583.*

[93] *P.L. 89-753.*

[94] *P.L. 94-370.*

[95] League of Women Voters, *Energy and Our Coasts: The 1976 CZM Amendments*, Washington, DC, League of Women Voters of the U.S., April 1977, p. 5.

[96] U.S. Senate, Committee on Commerce, *National Coastal Zone Management Act of 1972*, Report on S. 3507 with individual views, Senate Report No. 92-753, Washington, DC, U.S. Government Printing Office, 1972.

[97] U.S. House of Representatives, Committee on Merchant Marine and Fisheries, *Coastal Zone Management*, House Report No. 92-1049, Washington, DC, U.S. Government Printing Office, 1972.

[98] U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Subcommittee on Oceanography, *Coastal Zone Management: Hearings*, Washington, DC, U.S. Government Printing Office, 1972.

[99] Information on California participation is from U.S. Department of Commerce, Office of Coastal Zone Management, *Draft Environmental Impact Statement*, Washington, DC, U.S. Department of Commerce, 1977, chap. 13. For Oregon it is from the Final EIS statement. Both are available from the Office of Coastal Zone Management, U.S. Department of Commerce, Washington, DC.

[100] 40 *Federal Register*, Washington, DC, U.S. Government Printing Office, January 9, 1975, p. 1685.

[101] *P.L. 93-383.*

[102] *P.L. 95-128.*

[103] U.S. Senate, Committee on Banking, Housing and Urban Affairs, *Housing and Community Development Act of 1974*, report together with supplemental and additional views, Senate Report No. 93-693, Washington, DC, U.S. Government Printing Office, 1974.

[104] U.S. House of Representatives, Committee on Banking and Currency, *Housing and Community Development Act of 1974*, Conference Report No. 93-1279, Washington, DC, U.S. Government Printing Office, 1974.

[105] 39 *Federal Register*, Washington, DC, U.S. Government Printing Office, November 13, 1974, p. 40136.

[106] Duane Landreth, "Four Elements Under Title I of the Housing and Community Development Act of 1974," *The Urban Lawyer*, Chicago, IL, American Bar Assoc., Winter 1977, pp. 92-100.

[107] U.S. Senate, Committee on Banking, Housing and Urban Affairs, *Community Development Block Grant Program*, hearings on oversight on the administration of the *Housing and Community Development Act of 1974*, Washington, DC, U.S. Government Printing Office, 1977.

[108] U.S. Department of Housing and Urban Development, *Community Development Block Grant Program, Second Annual Report*, Washington, DC, U.S. Government Printing Office, 1976, Chapter 14.

[109] *Ibid.*, Table 14.3.

[110] *Ibid.*, p. 154.

[111] *Ibid.*, p. 157.

[112] *Ibid.*, p. 159.

[113] U.S. Department of Housing and Urban Development, *Community Development Block Grant Program, Third Annual Report*, Washington, DC, U.S. Government Printing Office, 1978, Chapter 23.

[114] All references to this hearing are from *Community Development Block Grant Program, op. cit.*

[115] U.S. House of Representatives, Committee on Banking, Finance and Urban Affairs, Subcommittee on Housing and Community Development, *Housing and Community Development Act of 1977: Hearings*, Washington, DC, U.S. Government Printing Office, vols. I and III.

[116] *Ibid.*, p. 832.

[117] *Housing and Community Development Act of 1977: Hearings, op. cit.*

[118] *Ibid.*, p. 585.

[119] Richard Nathan, et. al., *Block Grants for Community Development*, Washington, DC, The Brookings Institution, 1977, p. 495.

[120] *Housing and Community Development Act of 1977: Hearings, op. cit.*, p. 642.

[121] For descriptions of innovative and noteworthy citizen participation processes in the CDBG program in 31 communities (27 cities and four counties), see U.S. Department of Housing and Urban Development, *Citizen Participation in Community Development*, Washington, DC, U.S. Government Printing Office, 1978.

[122] Anthony Downs, "Citizen Participation in Community Development: Why Some Changes are Needed," *National Civic Review*, New York, NY, National Municipal League, May 1975, pp. 238-48.

[123] ACIR, A-51, *op. cit.*, pp. 23-5.

[124] *Housing and Community Development Act of 1977: Hearings, op. cit.*, pp. 642-3.

[125] Nathan, *op. cit.*, pp. 408, 486, and 502.

[126] *Housing and Community Development Act of 1977: Hearings, op. cit.*, pp. 35-7.

[127] It is possible that the cities that reported not holding hearings (a) were receiving funds for the first time and had not yet completely developed their participation procedures, or (b) misunderstood the requirements, or (c) misunderstood the wording of the question.

[128] *P.L. 92-512.*

[129] Will Myers, "A Legislative History of Revenue Sharing," *Annals of the American Academy of Political and Social Science*, 419, Philadelphia, PA, American Academy of Political and Social Science, May 1975, p. 3.

[130] Richard Nathan, Allen Manvel and Susannah Calkins, *Monitoring Revenue Sharing*, Washington, DC, The Brookings Institution, 1975, p. 263. Also see Steven Waldhorn, et. al., *Planning and Participation: General Revenue Sharing in Ten Large Cities*, Menlo Park, CA, Stanford Research Institute under contract with the National Science Foundation, 1975, pp. 5-9.

[131] Donald Lief, "Revenue Sharing and Citizen Participation," a paper prepared for delivery to the Seminar on New Federalism at the University of Oklahoma, May 1975.

[132] David Caputo and Richard Cole, "The Influences and Impact of Citizen Participation on the Expenditure of General Revenue Sharing Funds," a paper prepared for delivery to the Northeast Political Science Association meeting at Saratoga Springs, NY, November 1974, p. 7.

[133] John Strange, "The Impact of Citizen Participation on Public Administration," *Public Administration Review*, 32, Washington, DC, American Society for Public Administration, September 1972, pp. 457-70, quoted in Caputo and Cole, *Ibid.*, p. 2.

[134] ACIR, *General Revenue Sharing: An ACIR Re-evaluation*, A-48, Washington, DC, U.S. Government Printing Office, 1974, p. 9.

[135] *Ibid.*, pp. 9-10.

[136] Comptroller General of the United States, *Revenue Sharing: Its Use By and Impact Upon Local Governments*, Washington, DC, U.S. General Accounting Office, April 1974, p. 2.

[137] U.S. General Accounting Office, *Case Studies of Revenue Sharing in 26 Local Governments, Churchill Co., NV*, Washington, DC, U.S. General Accounting Office, July 21, 1975.

[138] Edie Goldberg, "Citizen Participation in General Revenue Sharing," in *The Economic and Political Impact of General Revenue Sharing*, Thomas Justin, ed., Ann Arbor, MI, Institute for Social Research, the University of Michigan, prepared for the National Science Foundation, 1976, pp. 165-82.

[139] Waldhorn, *op. cit.*, p. 87.

[140] *Ibid.*, pp. 87-92.

[141] Nathan, *op. cit.*, passim.

[142] Rufus Browning and Dale Marshall, "Implementation of Model Cities and Revenue Sharing in 10 Bay Area Cities," a paper presented to the American Political Science Association Annual Conference at Chicago, IL, September 1974.

[143] Patricia Blair, *General Revenue Sharing in American Cities: First Impressions*, National Clearinghouse on Revenue Sharing, Washington, DC, December 1974, pp. 3-8.

[144] *Ibid.*, pp. 24-6.

[145] League of Women Voters Education Fund, *Iowa Case Study on Implementation of General Revenue Sharing at the Local Level*, Washington, DC, 1976, p. 1.

[146] *Ibid.*, pp. 6-8.

[147] *P.L. 94-488.*

[148] For additional background refer to U.S. Congress, Joint Committee on Internal Revenue Taxation, *Extension and Revision of General Revenue Sharing Areas for Committee Consideration*, Report for the Committee on Finance by the Staff of the Joint Committee on Internal Revenue Taxation, Washington, DC, U.S. Government Printing Office, August 25, 1976. A record of the hearings is in U.S. House of Representatives, Committee on Government Operations, *State and Local Fiscal Assistance Act (General Revenue Sharing): Hearings*, Washington, DC, U.S. Government Printing Office, 2 vols.

[149] 42 *Federal Register*, September 22, 1977, pp. 47988-47992. Also see Steven Rudman, "Controversial Revenue Sharing Regulations Have Far Reaching Complications," *The Grantsmanship Center News*, Los Angeles, CA, Grantsmanship Center, April-June, 1977, pp. 46-8.

[150] League of Women Voters, *General Revenue Sharing and the States*, Washington, DC, 1975, pp. 17-21.

[151] Parallel results were reported in a Peat, Marwick, Mitchell survey of six states for the Office of Revenue Sharing, U.S. Department of the Treasury. Letter, ORS to ACIR, January 29, 1979.

[152] ACIR, A-48, *op. cit.*, and Caputo and Cole, *op. cit.*

[153] For full discussion, see *Chapter 5*. In a survey for the Office of Revenue Sharing, Peat, Marwick, Mitchell reported a similar conclusion regarding the reactions of local officials. Letter, ORS to ACIR, January 29, 1979.

[154] Judy B. Rosener, "Citizen Participation: Can We Measure Its Effectiveness?" *Public Administration Review*, Washington, DC, American Society for Public Administration, September/October 1978, p. 457.

[155] Nelson Rosenbaum, "Evaluating Citizen Involvement Programs," briefing paper for the National Conference on Citizen Participation, September 28-October 1, 1978, Washington, DC, p. 1.

[156] *Ibid.*, p. 2.

[157] *Ibid.*

[158] Rosener, *op. cit.*, p. 459.

[159] Joseph Falkson, *An Evaluation of Policy Related Research*

on Citizen Participation in Municipal Service Systems: Overview and Summary*, Washington, DC, TARP Institute, 1974, p. 16. See also Rosenbaum, *op. cit.*, p. 1, and Rosener, *op. cit.*, p. 457.

[160] The three reports are, respectively: Robert K. Yin, William A. Lucas, Peter L. Szanton, and J. Andrews Spindler, *Citizen Organizations: Increasing Client Control Over Services*, Santa Monica, CA, The Rand Corporation, 1973; Falkson, *op. cit.*, and the eight studies of individual municipal services that it synthesizes and summarizes; and Robert K. Yin and Douglas Yates, *Street-Level Governments: Assessing Decentralization and Urban Services*, Santa Monica, CA, The Rand Corporation, 1974.

[161] Yin, et. al., *op. cit.*, Chapters 1-4.

[162] *Ibid.*, Chapter 5.

[163] Falkson, *op. cit.*

[164] *Ibid.*, p. 19.

[165] *Ibid.*, p. 32.

[166] Yin and Yates, *op. cit.*

[167] *Ibid.*, p. 29.

[168] Yin, et. al., *op. cit.*

Appendix 4A

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		DEPARTMENT OF AGRICULTURE							
1	10.426	**Area Development Assistance Planning**				Requires systematic involvement of federal, state, and local government agencies, public and consumer interest groups, and the private sector in rural development policymaking process.	4	7 CFR 1948.5, 1948.32	2
2	10.555	**National School Lunch Program**				School food authorities must involve students through activities such as menu planning, enhancement of the eating environment.	1	7 CFR 210.19b(q)***	1
3	10.557	**Special Supplemental Food Program for Women, Infants, Children**			X	State agency's annual evaluation must include participants' views. State agency must publicize availability of benefits.	4	7 USC 613c note, 42 USC 1758	
4	10.879	**Rural Development Research**		X			1	7 USC 2664(e)	
5	10.881	**Cooperative Extension Service**		X			1	7 USC 2661-2668 7 CFR 23.4	
6	10.901	**Resource Conservation and Development**		X		Resource conservation and development council's planning process must provide for community leadership participation and citizen involvement, including informational meetings and use of citizen resource committees and technical advisory teams.	4	7 CFR 642.6(a), 642.8	2

7	10.904	**Watershed Protection and Flood Prevention**			X	Planning process must provide for public participation based on informational and educational program.	2	7 CFR 622.30, 622.32	2
		DEPARTMENT OF COMMERCE							
1	11.300	**Economic Development—Grants and Loans for Public Works and Development Facilities**	X	X		Secretary must assure local governments an opportunity to review and comment on proposed projects.	4	42 USC 3131(f) 13 CFR 303.4, 304.3	
2	11.302	**Economic Development—Support for Planning Organizations**	X			Planning must involve public officials and private citizens.	4	42 USC 3151a	2
3	11.305	**Economic Development—State and Local Economic Development Planning**		X[1]		Planning must involve public officials and private citizens. If no procedure exists for this involvement, a special planning committee of public and private citizens must be established in office of Mayor or county executive.	2	42 USC 3151a 13 CFR 307.52(a)(2)(i), 307.55(c)	2
4	11.306	**Economic Development—District Operational Assistance**	X			Local governments must have opportunity to review and comment on proposed projects. Planning must involve public officials, private citizens.	4	42 USC 3151a 13 CFR 303.4(c), 307.52(b)	
5	11.308	**Public Works and Economic Development: Supplemental and Basic Grants**	X			Local governments must have opportunity to review and comment on proposed projects.	4	42 USC 3131(f) 13 CFR 303.4, 304.3	
6	11.418	**Coastal Zone Management—Program Development**			X	State must develop management program with full participation of federal, state, local governments, regional organizations, port authorities, other interested parties; must have continuing full consultation. "Full participation" includes public meetings, workshops with reasonable notice.	1	16 USC 1455 15 CFR 923.50, 923.55	2

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		DEPARTMENT OF COMMERCE (cont.)							
7	11.419	**Coastal Zone Management—Program Administration**			X	State must develop management program with full participation of federal, state, local governments, regional organizations, port authorities, other interested parties; must have continuing full consultation. "Full participation" includes public meetings, workshops with reasonable notice.	1	16 USC 1455 15 CFR 923.50, 923.55	2
8	11.421	**Coastal Energy Impact Program—Formula Grants**			X	State must develop management program with full participation of federal, state, local governments, regional organizations, port authorities, other interested parties; must have continuing full consultation. "Full participation" includes public meetings, workshops with reasonable notice.	1	16 USC 1455 15 CFR 923.50, 923.55	2
		HEW—PUBLIC HEALTH SERVICES							
1	13.210	**Comprehensive Public Health Services**	X^2	X^2	X		1	42 USC 246(d)	
2	13.211	**Crippled Children's Services**				Must use nonpaid or partially paid volunteers.	1	42 USC 705(a)	

3	13.220	**Medical Facilities Construction—Formula Grants**	X			Health systems agencies and state health coordinating council must conduct meetings in public, give adequate public notice, give access to records. Grant applicant must describe how residents are served by application.	4	42 USC 3001-1, 300n-1 42 CFR 122.104, 122.07	
4	13.224	**Community Health Centers**	X				4	42 USC 1396 42 CFR 51c.304	1
5	13.246	**Migrant Health Centers**	X			Must initiate continuing community involvement in development and operation of project.	4	42 USC 247d 42 CFR 56.203	1
6	13.252	**Alcoholism Treatment and Rehabilitation/ Occupational Alcoholism Services Program**				Project must involve active participation of wide range of public and nongovernmental agencies and individuals, including individuals representative of population served.	4	45 CFR 54a.404	
7	13.256	**Health Maintenance Organization Development**	X				4	42 USC 300e	1
8	13.257	**Alcohol Formula Grants**		X			1	42 USC 4573	
9	13.269	**Drug Abuse Prevention Formula Grants**		X			1	21 USC 1176(e)	
10	13.284	**Emergency Medical Service**				Must assure adequate opportunity to participate for persons who reside in the systems service area and have no professional training or financial interest in provision of health care.	4	42 USC 300d-5	
11	13.292	**Sudden Infant Death Syndrome Information and Counseling Program**		X		Must provide for community representation in development and operation of each project.	4	42 USC 300c-11 42 CFR 51a.506	
12	13.293	**State Health Planning and Development Agencies**	X		X	State health coordinating council must conduct all business meetings in public. Governor must give general public opportunity to express views on state health planning and development agency.	1	42 USC 300m-3 42 CFR 123.104, 123.305, 123.306	
13	13.294	**Health Planning—Health Systems Agencies**	X		X	Agencies must conduct meetings in public, give adequate public notice, give access to records. Grant applicant must describe how residents are involved in developing application.	4	42 USC 242d, 3001-1, 300n-1 42 CFR 122.104, 122.07	

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

			Boards or Committees						
	CFDA Number	CFDA Title	Some Decision-making Power	Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		HEW PUBLIC HEALTH SERVICE (cont.)							
14	13.295	**Community Mental Health Centers—Comprehensive Services Support**	X				4	42 USC 2689(c)	1
		HEW—OFFICE OF EDUCATION							
1	13.400	**Adult Education—Grants to States**				State must involve representatives of various prescribed groups concerned with adult education in development and carrying out of state plan.	1	PL 91-230, sec. 306(b)(8)	
2	13.403	**Bilingual Education**				Application must be developed in consultation with parents of children of limited English-speaking ability, teachers, secondary school students.	4	20 USC 880b-1(a)	
3	13.413	**Educational Broadcasting Facilities (public broadcasting)**				Nonprofit applicant must be organized to be representative of educational, cultural, and civic groups in the community to be served and free from such control by a single private entity as would prevent it from serving overall community needs or interests.	4	45 CFR 153.5	2

4	13.416	**Teacher Centers**	X				3	20 USC 1119a	1
5	13.427	**Educationally Deprived Children—Handicapped**		X^3		Applicant (local educational agency) must make application and pertinent documents available to parents and general public.	1	20 USC 241c-1, 241e 45 CFR 116a	
6	13.428	**Educationally Deprived Children—Local Educational Agencies**		X^3		Applicant (local educational agency) must make application and pertinent documents available to parents and general public.	3	20 USC 241c-1, 241e 45 CFR 116a	
7	13.429	**Educationally Deprived Children—Migrants**		X^5		Applicant (state educational agency) and subgrantees (local educational agencies or other public or private nonprofit agencies) must make application and pertinent documents available to parents and general public.	1	20 USC 2761-3 45 CFR 116, 116d	
8	13.433	**Follow Through**		X		Project must include a parent and community involvement component.	4	45 CFR 158.19, 158.26(b)	
9	13.444	**Handicapped Early Childhood Assistance**		X		Program must include activities and reviews designed to encourage participation of parents in development and operation of program.	4	20 USC 1423(a) 45 CFR 121d.29	
10	13.445	**Handicapped Innovative Programs—Deaf-Blind Centers**				Applicants must ensure that programs assisted have been planned and developed, and will be operated, in consultation and with involvement of parents of children served.	4	20 USC 1231d 20 CFR 121c.40	
11	13.449	**Handicapped Preschool and School Programs**		X	X		2	20 USC 1412(7)(A), 1413(a)(12) 45 CFR 121a.651	
12	13.451	**Handicapped Personnel Preparation**				Applications are evaluated on basis of prescribed factors, including the extent to which present and former students, employing agencies, and individuals (parents, practicing teachers, etc.) are involved in program planning, implementation and evaluation.	1	45 CFR 121f.20	
13	13.464	**Library Services—Grants for Public Libraries**		X			1	20 USC 351a	

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		HEW—OFFICE OF EDUCATION (cont.)							
14	13.465	**Library Services—Interlibrary Cooperation**		X			1	20 USC 351a	
15	13.489	**Teachers Corps—Operations and Training**	X	X			4	20 USC 1103(e) 45 CFR 172.14, 172.15	
16	13.491	**University Community Service—Grants to States**		X			1	20 USC 1005(a) 45 CFR 173.12, 173.13	
17	13.493	**Vocational Education—Basic Grants to States**		X[4]	X	Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	1	20 USC 2305, 2307(a)	
18	13.494	**Vocational Education—Consumer and Homemaking Program**		X[4]		Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	1	20 USC 2305, 2307(a)	

19	13.498	**Vocational Education—Program Improvement Project**		X[4]		Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	4	20 USC 2305, 2401
20	13.499	**Vocational Education—Special Needs**		X	X	Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	1	20 USC 2305, 2307(a)
21	13.500	**Vocational Education—State Advisory Councils**		X[4]			1	20 USC 2305
22	13.525	**Emergency School Aid Act—Basic Grants to Local Educational Agencies**		X[5]	X		3	20 USC 1609(a)(2) 45 CFR 185.41, 185.42
23	13.526	**Emergency School Aid Act—Pilot Programs (Special Programs and Projects)**		X[5]	X		3	20 USC 1609(a)(2) 45 CFR 185.41, 185.42
24	13.528	**Emergency School Aid Act—Bilingual Education Projects**		X[5]	X		3	20 USC 1609(a)(2) 45 CFR 185.41, 185.42
25	13.529	**Emergency School Aid Act—Special Programs and Projects (nonprofit organizations)**		X	X		4	20 USC 1609(a)(2) 45 CFR 185.65
26	13.530	**Emergency School Aid Act—Educational TV**		X[6]	X		4	20 USC 1609(a)(2) 45 CFR 185.75
27	13.532	**Emergency School Aid Act—Special Programs**		X[5]	X		2	20 USC 1609(a)(2) 45 CFR 185.41, 185.42

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		HEW—OFFICE OF EDUCATION (cont.)							
28	13.533	**Right to Read—Elimination of Illiteracy**		X		Applicant must have reading program which provides for: participation of school faculty, school board members, administration, parents, and students in reading related activities which stimulate an interest in reading; parent participation in program development and implementation; involvement of cultural and educational leaders of area to be served.	4	20 USC 1921, 1944	
29	13.534	**Indian Education: Grants to Local Educational Agencies**	X		X	Must ensure that program will be operated and evaluated in consultation with, and involvement of, parents of children and representatives of area to be served, including the advisory committee.	3	20 USC 241dd(b)	
30	13.535	**Indian Education—Special Programs and Projects**			X	Must be adequate participation by parents of children to be served in planning and development of project and in operation and evaluation.	4	20 USC 887c 45 CFR 100d	
31	13.536	**Indian Education—Adult Indian Education**				Must be adequate participation by parents of children to be served in planning and development of project and in operation and evaluation.	4	20 USC 1211a(c) 45 CFR 188.8	

32	13.543	**Educational Opportunity Centers**				Representatives of community and local educational agencies and institutions of higher education in area to be served must participate in formulation of applications and give advice on operations.	4	45 CFR 154.10	
33	13.549	**Ethnic Heritage Studies Program**		X		Public must be given opportunity to testify or otherwise comment on grant application.	4	20 USC 900a-2 20 USC 887e 45 CFR 184.12	
34	13.551	**Indian Education—Grants to Non-local Educational Agencies**	X		X	Public must be given opportunity to testify or otherwise comment on grant application.	3	20 USC 241dd(b)(2)(B), and (C)	1
35	13.558	**Bilingual Vocational Training**		X[4]		Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	4	20 USC 2305, 2411	
36	13.562	**Education for Gifted and Talented Children and Youth**		X		Needs assessment must involve public to be served, educators, parents and community groups or institutions. Evaluation must involve persons directly and indirectly affected. Model project must include demonstration of contributions from parents of target groups, students, community organizations.	4	45 CFR 160b.6(b), 160b.23, 160b.24, 160b.53	
37	13.563	**Community Education Program**				Local community college, social, recreational, and health groups must be consulted on programs to be offered and facilities to be used.	2	20 USC 1864(d)(4)	
38	13.564	**Consumer's Education**				Public must be given opportunity to testify or otherwise comment on grant application.	4	20 USC 887e	
39	13.566	**Elementary and Secondary School Education in the Arts**		X[7]			2	45 CFR 160g.14, 160g.24	
40	13.570	**Libraries and Learning Resources**		X			1	20 USC 1803	

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION, IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees: Some Decision-making Power	Boards or Committees: Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		HEW—OFFICE OF EDUCATION (cont.)							
41	13.571	**Educational Innovation and Support**				Must involve in planning and carrying out programs or projects the participation of persons broadly representative of cultural and educational resources of area served.	1	20 USC 1832	
42	13.572	**Assistance to States for State Equalization Plan**			X	Must give public an opportunity to present views other than through public hearing.	1	45 CFR 156.4	
43	13.582	**State Student Financial Assistance Training Program**				State agency must consult with statewide financial and administrative organizations on regular basis.	1	45 CFR 178a.4(b)	
44	13.585	**Educational Information Centers**				Must involve individuals, public and private agencies, organizations in plan development.	1	45 CFR 137.5	
45	13.586	**Bilingual Vocational Instructor Training**		X[4]		Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	4	20 USC 2305	

46	13.587	**Bilingual Vocational Instructional Materials, Methods, and Techniques**		X[4]		Formulation of state's five-year vocational education plan must involve active participation of representatives of a list of prescribed state agencies responsible for aspects of vocational education, including the state advisory council on vocational education.	4	20 USC 2305
47	13.589	**Emergency School Aid—Magnet Schools, University/Business Cooperation**		X[5]	X		3	20 USC 1609(a)(2) 45 CFR 185.41, 185.42
48	13.590	**Emergency School Aid—Neutral Site Planning**		X[5]	X		3	PL 92-318, sec. 710(a) (1), (2) 45 CFR 185.41, 185.42
49	****	**Pre-School Incentive Grants**		X	X	Plan amendments must be made available to parents, guardians, other members of general public prior to submission to Office of Education. Must consult with individuals concerned with education of handicapped children.	1	20 USC 1412, 1413
50	13.600	**Administration for Children, Youth and Families—Head Start**				Must provide for direct participation of parents of Head Start children in development and overall direction of program at local level.	4	42 USC 2928
		HEW—OFFICE OF HUMAN DEVELOPMENT SERVICES						
1	13.624	**Rehabilitation Services and Facilities—Basic Support**				Recipient agencies must take into account views of individuals and groups who receive vocational rehabilitation services, workers in the field of vocational rehabilitation, and providers of vocational rehabilitation services.	1	29 USC 721(a)(18)
2	13.625	**Vocational Rehabilitation Services for Social Security Disability Beneficiaries**				Recipient agencies must take into account views of individuals and groups who receive vocational rehabilitation services, workers in the field of vocational rehabilitation, and providers of vocational rehabilitation services.	1	29 USC 721(a)(18)

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT
(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		HEW—OFFICE OF HUMAN DEVELOPMENT SERVICES (cont.)							
3	13.626	**Rehabilitation Services and Facilities—Special Projects**				Recipient agencies must take into account views of individuals and groups who receive vocational rehabilitation services, workers in the field of vocational rehabilitation, and providers of vocational rehabilitation services.	4	29 USC 721(a)(18)	
4	13.630	**Developmental Disabilities—Basic Support**		X		Must make maximum use of available community resources including volunteers serving under *Domestic Volunteer Service Act of 1973* and other appropriate voluntary organizations.	1	42 USC 6063	
5	13.633	**Special Programs for the Aging—State Agency Activities and Area Planning and Social Service Programs**		X[8]	X	Must take account of views of social service recipients in developing and administering state plan.	4	42 USC 3024(a)(2)(B), 3024(c)(4)(C) 45 CFR 1321.15, 1321.36,1321.50, 1321.65, 1321.66	
6	13.635	**Special Programs for the Aging—Nutrition Program for the Elderly**	X			Must administer project with advice of persons competent in field of service in which nutrition program is provided, of elderly program participants, and of persons knowledgeable about needs of the elderly.	1	42 USC 3045e 45 CFR 1324.20, 1324.35, 1324.37	

7	13.639	**al Programs for the Aging—Title V Multiple Purpose Senior Centers**		X			4	45 CFR 1326.5
8	13.642	**Social Services Block Grant**				Proposed comprehensive annual services program plan must be made available to public 90 days prior to start of year. Fiscal plan, together with explanation of changes from proposed plan, must be published 45 days after publication of proposed plan.	1	42 USC 1397c
9	13.645	**Child Welfare Services—State Grants**		X[9]		Must provide for training and using nonpaid or partially paid volunteers representing various age groups, including senior citizens and youth.	1	42 USC 622(a)(i)(ii) 45 CFR 220.4, 220.6(a), 200.7(a)
		HEW—HEALTH CARE FINANCING ADMINISTRATION						
1	13.714	**Medical Assistance Program**		X		Must train and use paid subprofessional staff, emphasizing recipients and other low income persons, and must use nonpaid or partially paid volunteers in the social service volunteer program.	1	42 USC 1396a(4) 42 CFR 431.12
2	13.766	**Health Financing Research, Demonstrations and Experiments**		X		Must train and use paid subprofessional staff, emphasizing recipients and other low income persons, and must use nonpaid or partially paid volunteers in the social service volunteer program.	4	42 USC 1396a(a)(4) 42 CFR 431.12
		HEW—SOCIAL SECURITY ADMINISTRATION						
1	13.810	**Assistance Payments—State and Local Training**		X[10]		Must provide for training and using nonpaid or partially paid volunteers representing various age groups, including senior citizens and youth.	1	45 CFR 222.2, 222.3, 222.4
2	13.812	**Assistance Payments—Research**				Must provide opportunity for public comment on proposed demonstration projects. Copies of proposed projects must be available for public inspection.	4	42 USC 602
3	13.814	**Refugee Assistance—Indochinese Refugees**		X			1	1978 CFR 30127-30130

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees		Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
			Some Decision-making Power	Advisory Only					
		HEW—PUBLIC HEALTH SERVICE II							
1	13.887	**Medical Facilities Construction—Project Grants**	X		X	Health systems agencies and state health coordinating council must conduct meetings in public, give adequate public notice, give access to records. Grant applicant must describe how residents are served by application.	3	42 USC 242d, 3001-1, 300n-1	
2	13.890	**Genetic Diseases Testing and Counseling Services**				Must provide for community representation where appropriate in development and operation of voluntary genetic testing or counseling program.	4	42 USC 300b-3(a)	
3	13.898	**Alcoholism Demonstration**				Must involve active participation of wide range of public and nongovernmental agencies, organizations, individuals, including individuals representative of population served.	4	42 CFR 54a.404	
4	13.899	**Alcohol Abuse and Alcoholism Prevention Demonstration**				Must, whenever possible, be community based and provide for active participation of a wide range of public and nongovernmental agencies, organizations, individuals.	4	42 USC 4577(b)	

		DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
1	14.203	**Comprehensive Planning Assistance**				Must carry on comprehensive planning process which provides for citizen participation.	2	42 USC 461(c) 24 CFR 600.80(b)	
2	14.218	**Community Development Block Grant**			X	Must give citizens opportunity to participate in development of application, encourage public views and proposals especially from residents of blighted neighborhoods and citizens of low and moderate income. Must provide citizens information on funds available for proposed community development and housing activities. Must provide citizens opportunity to comment on community development performance.	2	42 USC 5304(a)(6)	
3	14.221	**Urban Development Action Grants**			X	Must provide opportunity for citizen participation in development of application, especially from low and moderate income people and residents of blighted neighborhoods, and must give citizens adequate information on funds available, range of activities that may be undertaken, other important program requirements.	3	42 USC 5318(c)(5)	2
		DEPARTMENT OF INTERIOR							
1	15.400	**Outdoor Recreation—Acquisition, Development and Planning**				Must provide ample opportunity for public participation in plan development and revision. Must have active participation by program administrators, legislators, special interest groups, and general public including minority groups.	1	16 USC 4601-8(d)	2
2	15.951	**Water Resources Research—Assistance to State Institutes**				Institutes must develop programs in consultation with leading water resources officials within the state and region.	1	42 USC 7811	

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees: Some Decision-making Power	Boards or Committees: Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		DEPARTMENT OF JUSTICE							
1	16.500	**Law Enforcement Assistance—Comprehensive Planning Grants**	X			Must hold open meetings, provide public access to all records.	1	42 USC 3723	
2	16.502	**Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice**	X			Must hold open meetings, provide public access to all records	1	42 USC 3723	
3	16.516	**Law Enforcement Assistance—Juvenile Delinquency Prevention—Allocation in States**		X			2	42 USC 5633(a)(3)	
		DEPARTMENT OF LABOR							
1	17.207	**Employment Service**		X			1	29 USC 49j(a)	
2	17. 230	**Migrant and Seasonal Farm Workers**		X			4	29 CFR 95.13	
3	17.232	**Comprehensive Employment and Training Program**		X[11]			3	29 USC 814, 817	

4	17.239	**Youth Community Conservation Improvement Program**		X[11]			3	29 USC 814, 817	
5	17.240	**Youth Employment and Training**		X[12]		Must involve community-based organizations in developing youth plan.	3	29 USC 814, 894 29 CFR 97.705	
6	****	**Public Service Employment Program**		X[11]			3	29 USC 814, 817	
		DEPARTMENT OF TRANSPORTATION							
1	20.102	**Airport Development Aid Program**		X			2	49 USC 1760(d) 14 CFR 152.73	
2	20.205	**Highway Research, Planning and Construction**		X		Urban transportation planning process must involve the public.	4	23 USC 128(a) 23 CFR 450.120, 771, 790	
3	20.308	**Local Rail Services Systems—National Program**		X		State rail plans must be based on comprehensive, continuous planning process and be developed with participation of interested private and public agencies.	1	49 CFR 266.15	
4	20.500	**Urban Mass Transportation Capital Improvement Grants**		X		Urban transportation planning process must involve the public.	1	23 USC 128(a) 23 CFR 450.120, 771, 790	
5	20.505	**Urban Mass Transportation Technical Studies Grants**		X		Urban transportation planning process must involve the public	2	23 USC 128(a) 23 CFR 450.120, 771,790	
		APPALACHIAN REGIONAL COMMISSION							
1	23.002	**Appalachian Supplements to Federal Grants-in-Aid (Community Development)[13]**		X			4	40 App USC 107(a), (b),and 225(a), (b) ARC Code sec. 200A-2.4	2
2	23.003	**Appalachian Development Highway System[14]**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	1	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200 A-2.4 and 201 A-7	2

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

	CFDA Number	CFDA Title	Boards or Committees: Some Decision-making Power	Boards or Committees: Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		APPALACHIAN REGIONAL COMMISSION (cont.)							
3	23.004	**Appalachian Health Program**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	4	40 App USC 107(a), (b), 202, and 225(a), (b) ARC Code sec. 200A-2.4	2
4	23.005	**Appalachian Housing Project: Site Development and Off-Site Improvement Grant**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	4	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200A-2.4	
5	23.005	**Appalachian Housing Project: Planning and Obtaining Financing**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	4	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200A-2.4	

7	23.008	**Appalachian Local Access Roads**[14]			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	4	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 201A-7	2
8	23.009	**Appalachian Local Development District Assistance**	X		X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	3	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200A-2.4 and 302A-6.3(i)(ii)	2
9	23.010	**Appalachian Mine Area Restoration**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	4	40 App USC 107(a), (b), and 225(a), (b)	2
10	23.011	**Appalachian State Research, Technical Assistance and Demonstration Projects**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	2	40 App USC 107(a), (b),and 225(a), (b)	2
11	23.012	**Appalachian Vocational and Other Education Facilities and Operations**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs. Projects must be selected with involvement of all sectors of the community. Regional education service agencies must encourage community involvement.	2	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200A-2.4,211-1.3.2(2) and 211B-3.1(4)	2

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION, IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

			Boards or Committees						
	CFDA Number	CFDA Title	Some Decision-making Power	Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		APPALACHIAN REGIONAL COMMISSION (Cont.)							
12	23.012	**Appalachian Vocational and Technical Education Demonstration Projects: Planning, Construction, and Operation**			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs. Projects must be selected with involvement of all sectors of the community. Regional education service agencies must encourage community involvement.	2	40 App USC 107(a), (b), and 225(a), (b) ARC Code sec. 200A-2.4, 211-1.3.2(2) and 211B-3.1(4)	2
13	23.013	**Appalachian Child Development**		X	X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs. Process for developing state child development plan must involve participation by area, county, and community officials, agencies and citizen groups.	1	40 App USC 107(a), (b),and 225(a), (b) ARC Code sec. 200A-2.4, 202B-5.2	2
14	23.017	**Appalachian Highway System: Special Transportation Related Planning Research and Development**[14]			X	States and local development districts must assure opportunity for affected public to participate in state and regional planning process. Apart from hearings, states must assure early public notice, availability of draft plans and programs.	1	40 App USC 107(a), (b),and 225(a), (b) ARC Code sec. 200A-2.4 and 201A-7	2

		GENERAL SERVICES ADMINISTRATION							
1	39.006	**National Historical Publications and Records Grants**		X			4	41 CFR 105-65.203-2	
		COMMUNITY SERVICES ADMINISTRATION							
1	49.002	**Community Action**	X		X	All programs for poor or low income areas must be developed and implemented with maximum feasible participation of residents of areas and members of the groups served.	4	42 USC 2781(a)(4) 45 CFR 1060.1-2	1
2	49.005	**Community Food and Nutrition**				All programs for poor or low income areas must be developed and implemented with maximum feasible participation of residents of areas and members of the groups served.	4	42 USC 2781(a)(4) and 2809(a)(5) 45 CFR 1060.1-2	1
3	49.010	**Community Action: Senior Opportunities and Services**				All programs for poor or low income areas must be developed and implemented with maximum feasible participation of residents of areas and members of the groups served.	4	42 USC 2781(a)(4) and 2809(a)(7) 45 CFR 1060.1-2	1
4	49.011	**Community Economic Development**	X			Projects must be planned and carried out with fullest participation of local businessmen and representatives of financial institutions.	4	42 USC 2982	1
5	49.013	**State Economic Opportunity Offices**		X		All programs for poor or low-income areas must be developed and implemented with maximum feasible participation of residents of areas and members of groups served.	1	42 USC 2781(a)(4), 2824	
6	49.014	**Emergency Conservation Services**		X			4	42 USC 2809(a)(12)	
7	49.015	**Summer Youth Recreation**				All programs for poor or low income areas must be developed and implemented with maximum feasible participation of residents of areas and members of the groups served.	3	42 USC 2781(a)(4) and 2809(a)(13)	1

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION, IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT
(December 1978)

	CFDA Number	CFDA Title	Boards or Committees: Some Decision-making Power	Boards or Committees: Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		WATER RESOURCES COUNCIL							
1	65.001	**Water Resources Planning**				States must provide for participation by all public or private agencies or interests that may affect or be affected by resource management.	1	18 CFR 703.2(c)	2
		ENVIRONMENTAL PROTECTION AGENCY							
1	66.001	**Air Pollution Control Program Grants**	X		X	State implementation plan must provide for enhancing public's awareness of, and ways to participate in, efforts to improve air quality.	2	42 USC 1857c-5(a)(1), 7427, 7428 40 CFR 35.520(f)	2
2	66.418	**Construction Grants for Waste Water Treatment Works**			X	States must provide for public participation in development, review, and enforcement of regulations, standards, effluent limitation plan or program. Mechanisms include informational materials, technical and informational assistance, consultation, notification, information access, comment on proposed rules.	2	33 USC 1251(e) 40 CFR 35.917-5 and 105	2
3	66.419	**Water Pollution Control—State and Interstate Program Grants**			X	States must provide for public participation in development, review, and enforcement of regulations, standards, effluent limitation plan or program. Mechanisms include informational materials, technical and informational assistance, consultation,	1	33 USC 1251(e) 40 CFR 105, 130.10, 131.20	2

						notification, information access, comment on proposed rules. State and areawide planning processes must include public participation.			
4	66.426	**Water Pollution Control—State and Areawide Water Quality Management Planning Agency**			X	States must provide for public participation in development, review, and enforcement of regulations, standards, effluent limitation plan, or program. Mechanisms include informational materials, technical and informational assistance, consultation, notification, information access, comment on proposed rules. State and areawide planning processes must include public participation.	2	33 USC 1251(e) 40 CFR 105, 130.10, 131.20	2
5	66.432	**State Public Water System Supervision Program Grants**			X		1	42 USC 300g-4, 300g-5 40 CFR 142.20	
6	66.433	**State Underground Water Source Protection Program Grants**				State program plan must have a public participation element to encourage public involvement in planning and operation of program. Must include consultation and system for handling citizen complaints.	1	40 CFR 35.670-4(b)	2
7	66.451	**Solid and Hazardous Waste Management Program Support**				States must provide for public participation in the development, revision, implementation, and enforcement of any regulation or program. Public participation includes public meetings, conferences, and workshops; development and distribution of materials; and opportunity for public review and comment on proposed regulations.	3	42 USC 6974(b) 40 CFR 249.1(b), 249.2	2
8	66.452	**Solid Waste Management Demonstration Grants**				States must provide for public participation in the development, revision, implementation, and enforcement of any regulation or program.	2	42 USC 6974(b) 40 CFR 249.1(b), 249.2	2
9	66.453	**Solid Waste Management Training Grants**				States must provide for public participation in the development, revision, implementation, and enforcement of any regulation or program.	4	42 USC 6974(b) 40 CFR 249.1(b), 249.2	2

Appendix 4A (cont.)

CITIZEN PARTICIPATION REQUIREMENTS MANDATED BY STATUTE OR REGULATION IN FEDERAL GRANT PROGRAMS, BY PROGRAM, DEPARTMENT OR AGENCY, AND MAJOR TYPE OF REQUIREMENT

(December 1978)

			Boards or Committees						
	CFDA Number	CFDA Title	Some Decision-making Power	Advisory Only	Public Hearing	Other	Grant Recipient*	Statute (USC) and/or Regulation (CFR)	Rosenbaum Approach**
		ACTION							
1	72.001	**Foster Grandparent Program**		X			4	45 CFR 1208.3-6	
2	72.002	**Retired Senior Volunteer Program**		X			4	45 CFR 1209.3-2	
3	72.008	**Senior Companion Program**		X			4	45 CFR 1207.3-5	
		DEPARTMENT OF ENERGY							
1	81.040	**Grants for Offices of Consumer Services**				State offices of consumer affairs must consider views and data obtained from broad spectrum of consumers.	1	10 CFR 460.12(b)(4)(i)	
2	81.042	**Weatherization Assistance Program for Low Income Persons**		X	X		1	42 USC 6863 10 CFR 440.14	
3	81.050	**Energy Extension Service**				State's energy outreach plan must be prepared with opportunity for input from state, county, and local officials, state universities, colleges, cooperative extension services, community service action agencies, and other public or private organizations involved in active energy outreach programs.	1	42 USC 7004 10 CFR 465.7(c)(5)	2

		DEPARTMENT OF TREASURY							
1	****	**General Revenue Sharing**			X	Prior to second of two required public hearings, recipient jurisdiction must publish proposed uses and summary of proposed budget and make publications available for public inspection. After budget adoption, must make budget summary and statement of proposed use available for public inspection.	2	31 USC 1241(b)	2

---

* Grant recipient which must comply with CP requirement: 1, state governments; 2, state and local governments; 3, local governments; and 4, governmental and others.

** ACIR staff designation of type of citizen participation involved, based on Nelson Rosenbaum's classification: (1) clientele control, (2) community consensus (see text).

*** Interim regulations.

**** Not listed in *Catalog of Federal Domestic Assistance*.

[1] Planning committee required if no other procedure exists for involving public officials and private citizens in the planning process.

[2] Requires either a statewide health coordinating council, which has some decision authority, or a state health planning council, which is purely advisory.

[3] For entire school district and for each school served by a project assisted.

[4] State advisory council and local advisory council.

[5] Districtwide advisory council and student advisory council.

[6] Separate advisory committees required for recipients that are nonprofit organizations other than local educational agencies, and those that are local educational agencies.

[7] Advisory council for both local educational agency and state educational agency.

[8] State advisory committee and area advisory council.

[9] State advisory committee on AFDC and child welfare service programs and advisory committee on day care services when the advisory committee on AFDC and CWS does not perform the function.

[10] May be combined with advisory committee required under CFDA #13.645.

[11] Prime sponsor planning council and state manpower services council.

[12] Prime sponsor planning council and youth council.

[13] Projects must also meet citizen participation requirements, if any, applicable to the federal grant programs that are supplemented. Such programs may be for the acquistion or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities. 40 App USC 214(a), (c).

[14] Also governed by citizen participation requirements applicable to construction and maintenance of federal aid primary and secondary highways. See CFDA #20.205 above.

SOURCE: ACIR staff analysis.

Appendix 4B

MEMBERSHIP AND ACTIVITIES OF BOARDS AND COMMITTEES REQUIRED BY FEDERAL GRANT PROGRAMS TO HAVE CITIZEN REPRESENTATION IN THEIR MEMBERSHIP

Department of Agriculture

CFDA #10.879 Rural Development Research*

State Rural Development Advisory Council

Members: Head of school of agriculture in university responsible for administering Rural Development Research program, head of a school of engineering, and at least ten more members representing farmers, business, labor, banking, local government, multicounty planning and development districts, public and private colleges, and federal and state agencies involved in rural development.

Activities: Advises chief administrative officer of the university.

CFDA #10.881 Cooperative Extension Service

State Rural Development Advisory Council

Members and Activities: Same as CFDA #10.879.

CFDA #10.901 Resource Conservation and Development

Citizen Resource Committee

Members: Interested groups, local citizen leaders, and individuals.

Activities: Advises Resource Conservation and Development Council.

Department of Commerce

CFDA #11.300 Economic Development—Grants and Loans for Public Works and Development Facilities

1. Economic Development District Governing Board

Members: Broadly representative of the principal economic interests of the district, including business, labor, agriculture, minority groups and representatives of the unemployed and underemployed. Shall include at least a simple majority of elected public officials. One-third of members shall be private citizens who are neither elected officials nor employees of local general purpose governments.

Activities: Establishes and implements overall economic development program; coordinates federal, state, and local development activities within the district.

2. Overall Economic Development Program (OEDP) Committee

Members: Representative of the community; shall include representatives of local government, business, industry, finance, agriculture, the professions, organized labor, utilities, education, racial or cultural minorities, and the unemployed or underemployed.

Activities: Preparation of OEDP; submission to OEDP governing board in areas included in economic development district.

---

*Executive Office of the President, Office of Management and Budget, *Catalog of Federal Domestic Assistance*, Washington, DC, U.S. Government Printing Office, annual.

CFDA #11.302 Economic Development—Support for Planning Organizations

Economic Development District Governing Board

Members and Activities: Same as CFDA #11.300 (1).

CFDA #11.305 Economic Development—State and Local Economic Development Planning

Special Planning Committee

Members: Public and private citizens broadly representative of the community.

Activities: Assists public officials in planning for economic development.

CFDA #11.306 Economic Development—District Operational Assistance

Economic Development District Governing Board

Members and Activities: Same as CFDA #11.300 (1).

CFDA #11.308 Public Works and Economic Development: Supplemental and Basic Grants

Economic Development District Governing Board

Members and Activities: Same as CFDA #11.300 (1).

HEW—Public Health Service

CFDA #13.210 Comprehensive Public Health Services (314) (d)

1. Statewide Health Coordinating Council

Members: (A) No less than 16 representatives appointed by Governor from lists submitted by health service agencies, not less than one-half of which shall be consumers, not providers, of health care; (B) Governor may also appoint such others as he deems appropriate, but these may not exceed 40% of total membership and the majority must be consumers who are not also providers of health care; (C) not less than one-third of the providers who are members of the SHCC shall be direct providers of health care.

Activities: Advises state health planning and development agency. To this end: (1) reviews annually and coordinates health services plan (HSP) and annual implementation plan (AIP) of each health service agency (HSA) in the state and reports to Secretary its comments on HSP and AIP; (2) prepares a state health plan made up of HSPs of HSAs; (3) conducts public hearing on proposed state health plan; (4) annually reviews the budget of each HSA; (5) reviews applications for grants submitted by HSAs and submits the comments to Secretary; (6) gives general advice on the operation of the state health agency; and (7) reviews annually and approves or disapproves any state plan and any application submitted to the Secretary as a condition to the receipt of funds under the *Public Health Service Act*, the *Community Mental Health Centers Act*, or the *Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970*.

2. State Health Planning Council

Members: Includes representatives of federal, state, and local agencies and nongovernmental organizations and groups concerned with health, and consumers of health services.

Activities: Advises state health agency.

CFDA #13.220 Medical Facilities Construction—Formula Grant

1. Governing Body, Health Systems Agency (HSA)

Members: 50-60% are residents of the health service area who are consumers of health care and not providers and are broadly representative of social, economic, linguistic, and racial populations, geographic areas, and major purchasers of health care. Remainder are residents and providers and represent health care professionals, health care institutions, health care insurers, health professional schools and allied health professions. Members must include elected officials and other representatives of governments and representatives of public and private agencies; proportionate percentage of individuals who reside in nonmetropolitan area; and one representative of health maintenance organizations in the area.

Activities: Responsible for internal affairs of HSA; establishes health systems plan and annual implementation plan; approves of grants and contracts to achieve health systems described in the health systems plan; and approves or disapproves proposed use of federal aid funds authorized under *Public Health Service Act*, including funds for medical facilities construction.

2. Statewide Health Coordinating Council

Members and Activities: Same as CFDA #13.210 (1).

CFDA #13.224 Community Health Centers

Governing Board

Members: Individuals, a majority of whom are being served by the center and who, as a group, represent individuals served by the center in terms of demographic factors, such as race, ethnicity, and sex. No more than one-half of the remaining members may be individuals who derived more than 10% of their annual income from the health care industry. Remaining members shall be representative of the community in which center's catchment area is located and shall be selected for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies.

Activities: Establishes general policies (including services to be provided and hours of service), approves annual budget, and approves selection of director. Specific responsibility for establishing personnel policies and procedures, adopting policy for financial management practices, evaluating center activities, assuring operation and compliance with applicable federal, state, and local laws and regulations, and adopting health care policies.

CFDA #13.246 Migrant Health Centers

Governing Board

Members: Individuals, a majority of whom are being served by the center and who as a group, represent individuals being served by the center. Further provisions same as CFDA #13.224.

Activities: Establishes services, including selection of services and hours of service, approves annual budget, approves selection of director. Further provisions same as CFDA #13.224.

CFDA #13.256 Health Maintenance Organization Development

Policymaking Body

Members: At least one-third of members of policymaking body must be members of the organization, and members from medically underserved areas served by organization must have equitable representation.

Activities: As determined by each HMO.

CFDA #13.257 Alcohol Formula Grants

State Advisory Council

Members: Includes representatives of nongovernmental organizations, of groups to be served with attention to assuring representation of minority and poverty groups, and of public agencies concerned with prevention and treatment of alcohol abuse and alcoholism, and at least one representative of statewide health coordinating council.

Activities: Consults with state agency in carrying out the state plan.

CFDA #13.269 Drug Abuse Prevention Formula Grants

State Advisory Council

Members: Includes representatives of nongovernmental organizations or groups and of public agencies concerned with prevention and treatment of drug abuse and dependence from different geographical areas of the state.

Activities: Consults with state agency in carrying out the state plan.

CFDA #13.292 Sudden Infant Death Syndrome Information and Counseling Program

Project Community Council

Members: At least one-third are representatives of community being served, including representatives of parents' groups or other voluntary civic or community organizations. Shall also include representatives of health care, social services, or public safety professions.

Activities: Consultation and advice.

CFDA #13.293 State Health Planning and Development Agencies

Statewide Health Coordinating Council

Members and Activities: Same as CFDA #13.210 (1).

CFDA #13.294 Health Planning—Health Systems Agencies

Governing Body, Health Systems Agency

Members and Activities: Same as CFDA #13.220 (1).

CFDA #13.295 Community Mental Health Centers—Comprehensive Services Support

Governing Body, Community Mental Health Center (CMHC)

Members: Persons who reside in the catchment area and who represent residents, taking into consideration employment, age, sex, place of residence and other demographic characteristics. At least one-half of the members shall not be providers of health care. Agencies operated by a government agency before July 29, 1975, and receiving a grant under 42 USC 2688, shall appoint a committee to advise them on operations. Such committees must have the same membership as above.

Activities: Establishes general policies, approves annual budget, and approves selection of a director.

HEW—Office of Education

CFDA #13.416 Teacher Centers

Teacher Center Policy Board

Members: Majority are representative of the elementary and secondary classroom teachers to be served by such center, fairly representing the makeup of all school teachers including special education and vocational education. They also include individuals representative of, or designated by, the school board of the local educational agency and at least one representative designated by institutions of higher education in the area.

Activities: Supervises the operation of the teacher center.

CFDA #13.427 Educationally Deprived Children—Handicapped

1. Advisory Council (entire school district).

Members: A majority are parents of the children eligible to be served. All members are selected by the parents of the school attendance area.

Activities: Advises local educational agency in the planning for, implementation and evaluation of educational program for handicapped children.

2. Advisory Council (For Each School Served by a Project Assisted)

Members: A Majority are parents of the children eligible to be served. All members are selected by the parents of the school attendance area.

Activities: Advises the local educational agency in planning for and implementing and evaluating handicapped programs and projects of the affected school.

CFDA #13.428 Educationally Deprived Children—Local Educational Agencies

1. Advisory Council (entire school district)

2. Advisory Council (for each school served by a project assisted)

Members and Activities: Same as CFDA #13.427 (1) and (2).

CFDA #13.429 Educationally Deprived Children—Migrants

1. State Advisory Council

Members: Parents of children to be served or who are being served and of other persons knowledgeable about the needs of migratory children.

Activities: Advises state educational agency concerning the operation and evaluation of the present state program and local projects and planning of future programs and projects.

2. Advisory Council—Operating Agency (local education agency or other public or nonprofit private agency)

Members and Activities: Same as for state advisory council.

CFDA #13.433 Follow Through Programs

Policy Advisory Committee

Members: More than one-half shall be low income follow-through parents elected by all such parents annually. The remaining members shall be chosen by the parent members from among the various persons and representatives of agencies and organizations in the community and who have shown concern in the interests of low income persons.

Activities: (1) Helps develop components of the project proposal and approve them in their final form; (2) assists in developing criteria for selecting professional staff and recommends selection of staff; (3) same responsibility with respect to nonprofessional and paraprofessional staff; (4) exercises primary role in developing criteria for selection and recruiting of eligible children; and (5) establishes and operates a procedure for promptly and fairly considering complaints.

CFDA #13.444 Handicapped Early Childhood Assistance

Advisory Council

Members: At least one-fourth shall be parents from area served and at least two such parents shall be parents of children served.

Activities: Assists actively in (1) planning, development, and operation of the program; (2) acquainting community with the program; (3) dissemination of information; and (4) evaluating success.

CFDA #13.449 Handicapped Pre-School and School Programs

State Advisory Panel

Members: Individuals involved and concerned with education of handicapped children. Must include at least one person representative of handicapped individuals, teachers of handicapped children, parents of handicapped children, state and local educational officials, and special education program administrators.

Activities: Advises state educational agency of unmet needs within the state, comments publicly on proposed regulations, and assists state in developing and reporting such data and evaluations as may assist the commissioner of education.

CFDA #13.464 Library Services—Grants for Public Libraries

State Advisory Council on Libraries

Members: Broadly representative of public, school, academic, special, and institutional libraries, and libraries serving the handicapped.

Activities: Advises state library administrative agency of the development of, and policy matters arising in administration of, the state plan, and assists in evaluation of activities.

CFDA #13.465 Library Services—Interlibrary Cooperation

State Advisory Council on Libraries

Members and Activities: Same as CFDA #13.464.

CFDA #13.489 Teacher Corps—Operations and Training

1. Community Council

Members: Representative of the community in which projects are located and of parents of students of elementary or secondary schools to be served by projects.

Activities: Participates with local educational agency or institutions of higher education in planning, carrying out, and evaluating projects.

2. Policy Board

Members: Dean of school of education or other component that offers graduate training in the institution of higher education; superintendent of local educational agency; and chairperson of community council.

Activities: Supervises planning and operation of each project.

CFDA #13.491 University Community Service—Grants to States

State Advisory Council

Required only where the designated state agency does not have special qualifications for solving community problems and/or is not broadly representative of institutions of higher education in the state which are competent to offer community service and continuing education programs.

Members: Must have special qualifications for solving community problems and be broadly representative of institutions of higher education in the state competent to offer community service and continuing education programs.

Activities: Consults with the designated state agency in the preparation of the state plan.

CFDA #13.493 Vocational Education—Basic Grants to States

1. State Advisory Council

Members: A majority are persons who are not educators or administrators in education and include one or more individuals who: represent vocational needs and problems of management in the state, of labor, of agriculture, state industrial and economic development agencies, community and junior colleges, other institutions of higher education, area vocational schools, technical institutes, and post-secondary agencies; have special knowledge, experience or qualifications regarding vocational education but are not involved in administration of state or local vocational education programs; represent public programs of vocational education in comprehensive secondary schools, nonprofit private schools, vocational guidance and counseling services, state correctional institutions, vocational education teachers presently teaching in local education agencies, superintendents or other administrators of local educational agencies, local school boards, the state manpower services council, school systems with large concentrations of persons who have special academic, social, economic, and cultural needs and have limited English-speaking ability; are women familiar with sex discrimination in employment; have special knowledge regarding special educational needs of physically or mentally handicapped persons; represent the general public, including a person or persons representing and knowledgeable about the poor and disadvantaged; and are vocational education students who are not qualified under any of the above categories.

Activities: Advises state board in development of five-year state plan and annual program plan and accountability report; evaluates vocational education programs; identifies vocational education and employment and training needs; and assesses extent to which vocational education, employment training, vocational rehabilitation, and other programs represent a consistent, integrated and coordinated approach to meeting such needs.

2. Local Advisory Council

Members: Representatives of the general public including at least a representative of business, industry, and labor. Must have an appropriate representation of both sexes and of the racial and ethnic minorities found in the program areas, schools, community, or region which the local advisory council serves.

Activities: Advises the local eligible educational agency or post-secondary educational institution which receives federal assistance under the act on current job needs and the relevance of programs being offered by the local educational agency or post-secondary educational agency in meeting current job needs.

CFDA #13.494 Vocational Education—Consumer and Homemaking Program

1. State Advisory Council
2. Local Advisory Council

Members and Activities: Same as CFDA #13.493 (1) and (2).

CFDA #13.498 Vocational Education—Program Improvement Project

1. State Advisory Council
2. Local Advisory Council

Members and Activities: Same as CFDA #13.493 (1) and (2).

CFDA #13.499 Vocational Education—Special Needs

State Advisory Council

Members and Activities: Same as CFDA #13.493 (1).

CFDA #13.500 Vocational Education—State Advisory Councils

State Advisory Council

Members and Activities: Same as CFDA #13.493 (1).

CFDA #13.525 Emergency School Aid Act—Basic Grants to Local Educational Agencies

1. Districtwide Advisory Committee

Members: Selected by at least five civic or community organizations, broadly representative of minority and nonminority groups to be served. After consulting with teacher organizations, the local educational agency shall either designate nonminority group classroom teacher and one such teacher from each minority group, or delegate designation of such teachers to such organization. Committee must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community. At least 50% shall be parents of children directly affected by the program. The above committee members select at least one nonminority secondary school student and an equal number from each minority group.

Activities: The committee comments on the application by the local education agency for basic grants. The local education agency consults with the committee at least once a month on policy matters arising in the administration and operation of the program. Committee must have opportunity to observe and comment on all project-related activities.

2. Student Advisory Committee (created by the local educational agency at each school affected by the program)

Members: Equal numbers of nonminority group students and of students for each minority group substantially represented in the school. Must be at least six members and all must be selected by the student body or the student government of each school.

Activities: Advises the local educational agency.

CFDA #13.526 Emergency School Aid Act—Pilot Programs (special programs and projects)

1. Districtwide Advisory Committee
2. Student Advisory Committee

Members and Activities: Same as CFDA #13.525 (1) and (2).

CFDA #13.528 Emergency School Aid—Bilingual Education Project

1. Districtwide Advisory Committee
2. Student Advisory Committee

Members and Activities: Same as CFDA #13.525 (1) and (2).

CFDA #13.529 Emergency School Aid Act—Special Programs and Projects (nonprofit organizations)

Districtwide Advisory Committee

Members: At least five civic or community organizations each selects a member of the committee. When taken together these organizations are broadly representative of the minority and nonminority communities to be served. The applicant shall invite the appropriate local educational agency to designate as a member of the committee at least one person who is the administrator, principal, or teacher employed by such agency or a member of the school board of such agency. In addition, if the local educational agency has applied for, or received, assistance, the applicant shall invite the advisory committee formed by such agency to designate at least one of its members as a member of the committee. The committee must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community or in the student body of the appropriate local educational agency. At least 50% of the nonstudent members shall be parents of children directly affected by a plan or project. In addition to members appointed to the committee by civic or community organizations and those selected from persons designated by a local educational agency, the applicant shall select the minimum number of additional persons as may be necessary to meet the specified requirements. In addition to all the above, the applicant shall select from the schools of the appropriate local educational agency equal numbers of nonminority groups secondary students and of such students from each minority group substantially represented in the community so that the number of such students so selected will constitute 50% of the total membership of such committee.

Activities: Advises the agency, institution, or organization applying for assistance in identifying problems and assessing the needs to be addressed by the application for assistance.

CFDA #13.530 Emergency School Aid Act—Educational TV

1. Areawide Advisory Committee (for public or private nonprofit agencies, institutions, or organizations other than local educational agencies)

Members: At least five civic or community organizations shall each select a member of the advisory committee. These organizations when taken together shall be broadly representative of the minority and nonminority communities to be served. The committee must be composed of an equal number of nonminority group members and of members from each minority group substantially represented in the area to be served by the proposed television programming. At least 50% of the nonstudent members of the committee shall be parents of children at whom the proposed TV programming will be directed. Where the proposed TV programming will be directed at secondary school age students, at least 50% of the total membership of the committee must be secondary school students enrolled in the secondary school or schools located within the area to be served by the proposed TV programming. Among such student members there must be equal numbers of nonminority group persons and persons from each minority group substantially represented in the area to be served by the proposed television programming.

Activities: Advises the applicant in identifying problems and assessing the needs to be addressed by the application.

2. Districtwide Area Advisory Committee (local educational agencies)

Members: Same as in CFDA #13.525 (1) except that the area of reference is the entire area to be served by the proposed TV programming, and the designations of teachers and students shall be with reference to the entire area to be served by the proposed television programming.

Activities: Same as CFDA #13.525.

CFDA #13.532 Emergency School Aid Act—Special Programs

1. Districtwide Advisory Committee
2. Student Advisory Committee

Members and Activities: Same as CFDA #13.525.

CFDA #13.533 Right to Read—Elimination of Illiteracy

State Advisory Council on Reading

Members: Broadly representative of educational resources of the state and of the general public, including persons representative of (A) public and private nonprofit elementary school children, (B) institutions of higher education, (C) parents of elementary school children, and (D) areas of professional competence relating to instruction in reading.

Activities: Advises state educational agency on formulation of the standard of excellence for reading programs in the elementary schools and on the evaluation of results of the program.

CFDA #13.534 Indian Education—Grants to Local Educational Agencies

Advisory Committee

Members: Composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students. At least half the members shall be parents.

Activities: Participates in the development of, and approves of, the application for a grant under this program. Participates in the operation and evaluation of the program.

CFDA #13.549 Ethnic Heritage Studies Program

Advisory Council

Members: Each ethnic group concerned is represented on the council. More than one-half the membership shall consist of community representatives of the ethnic group or groups. Membership is broadly representative of educational and professional backgrounds relevant to the program and at least one member is affiliated with an educational organization and has expertise and experience in curriculum development, training of personnel, and/or dissemination of curriculum materials.

Activities: Advises applicant regarding planning of the program and preparation of the application and conduct semi-annual assessment of the program.

CFDA #13.551 Indian Education—Grants to Nonlocal Educational Agencies

Parent Committee

Members: Selected by parents of Indian children to be served, teachers, and, where applicable, Indian secondary school students. Membership proportionate to total number of Indian children to be served, but no more than 40.

Activities: Participates in needs assessments and priority determinations. Must approve the application and projects and activities to be implemented by the applicant which affect the community to be served.

CFDA #13.558 Bilingual Vocational Training

1. State Advisory Council

2. Local Advisory Council

Members and Activities: Same as CFDA #13.493 (1) and (2).

CFDA #13.562 Education for Gifted and Talented Children and Youth

Advisory Committee

Members: Persons broadly representative of the community and the school district to be served by the program or project, including persons representing agencies or other entities serving the needs of the gifted and talented, teachers, administrators, gifted students, nonpublic school representatives, and parents of gifted and talented children.

Activities: Advice.

CFDA #13.566 Elementary and Secondary School Education in the Arts

1. Advisory Committee, Local Educational Agency

Members: Persons broadly representative of arts resources in the area.

Activities: Advice.

2. Advisory Committee, State Educational Agency

Members: Persons broadly representative of arts resources throughout the state.

Activities: Advice in developing and carrying out the project.

CFDA #13.570 Libraries and Learning Resources

State Advisory Council

Members: Broadly representative of cultural and educational resources of state and of the public, including representatives of public and private elementary schools, institutions of higher education, and the field of professional competence in dealing with children needing special education.

Activities: Advises state educational agency on preparation of, and policy matters arising in administration of, state plan; evaluate all programs and projects and prepare annual report.

CFDA #13.586 Bilingual Vocational Instructor Training

1. State Advisory Council

2. Local Advisory Council

Members and Activities: Same as CFDA #13.493 (1) and (2).

CFDA #13.587 Bilingual Vocational Instructional Materials, Methods and Techniques

1. State Advisory Council

2. Local Advisory Council

Members and Activities: Same as CFDA #13.493 (1) and (2).

CFDA #13.589 Emergency School Aid—Magnet Schools, University/Business Cooperation

1. Districtwide Advisory Committee

2. Student Advisory Committee

Members and Activities: Same as CFDA #13.525 (1) and (2).

CFDA #13.590 Emergency School Aid—Neutral Site Planning

1. Districtwide Advisory Commitee

2. Student Advisory Committee

Members and Activities: Same as CFDA #13.525 (1) and (2).

Pre-School Incentive Grants (Not in 1978 CFDA)

Advisory Panel (state)

Members: Individuals involved in, or concerned with, education of handicapped children.

Activities: Advises state education agency of unmet needs within the state and education of handicapped children; comments on pertinent rules and regulations issued by the state; assists state in developing and reporting data and evaluations.

HEW—Office of Human Development Services

CFDA #13.630 Developmental Disabilities—Basic Support

State Planning Council

Members: Representatives of the principal state agencies, higher education training facilities, local agencies, and nongovernmental agencies and groups concerned with services to persons with developmental disabilities. At least one-half of the membership shall consist of persons who are developmentally disabled or parents or guardians of such persons, or are immediate relatives or guardians of persons with mentally impairing developmental disabilities, who are not employees of a state agency which receives funds or provides services, who are not managing employees of any other entity which receives funds or provides services, and who are not persons with an ownership or control interest with respect to such an entity. Of this one-half of membership, at least one-third shall be persons with developmental disabilities, at least one-third shall be individuals with immediate relatives or guardians of persons with mentally impairing developmental disabilities, and at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.

Activities: Develops a state plan jointly with the designated state agency(ies). Monitors, reviews, and evaluates implementation of the plan; reviews and comments on all state plans which relate to programs affecting persons with developmental disabilities.

CFDA #13.633 Special Programs for the Aging—State Agency Activities and Area Planning in Social Services Programs

1. State Advisory Committee

Members: At least one-half the members are actual consumers of services including low income and minority older persons, at least in proportion to the number of minority older persons in the state, with the rest broadly representative of major public and private agencies and organizations.

Activities: Advises the Governor and state agency in the implementation of the state plan.

2. Area Advisory Council

Members: Representatives of program participants and the general public, including low income and older minority persons at least in proportion to the number of minority older persons in the area. At least one-half of the members shall be actual consumers of services.

Activities: Advises the area agency on all matters regarding development and administration of the area plan and operations.

CFDA #13.635 Special Programs for the Aging—Nutrition Program for the Elderly

Project Council

Members: More than one-half shall be actual consumers of nutrition services. Consumer members shall be representative of congregate meal sites and be elected by participants at such sites. Other members shall include persons competent in field of service in which nutrition is being provided and knowledgeable with respect to the needs of the elderly persons.

Activities: Advises recipient on all matters regarding delivery of nutrition services and approves all policy decisions on (1) determination of general menus, (2) establishment of suggested fee guidelines, (3) days and hours of project operation, and (4) decorating and furnishing of meal sites.

CFDA #13.639 Special Programs for the Aging—Title V Multiple Purpose Senior Centers

Area Advisory Council

Members and Activities: Same as CFDA #13.633 (2).

CFDA #13.645 Child Welfare Services—State Grants

1. Advisory Committee on AFDC and CWS Programs (must be established at the state level and local levels where the programs are locally administered, except that in local jurisdictions with small caseloads alternate procedures for securing similar participation may be established)

Members: Representatives of other state agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives who shall constitute at least one-third of the membership.

Activities: Advises the principal policy setting administrative officials of the agency and participates in policy development and program administration.

2. Advisory Committee on Day Care Services (must be established at the state level, either as a separate committee, or all or part of the advisory committee on AFDC and CWS programs may be assigned this function)

Members: Must have at least one-third members drawn from recipients or their representatives and include representatives similar to those provided in the state and local AFDC and CWS advisory committees.

Activities: See Advisory Committee on AFDC and CWS.

HEW—Health Care Financing Administration

CFDA #13.714 Medical Assistance Program

State Medical Care Advisory Committee

Members: Board certified physicians and other representatives of the health professions who are familiar with the medical needs of low income groups and with the resources available and required for their care; members of consumer groups, including Title XIX recipients, and consumer organizations; and director of the public welfare department or of the public health department, whichever does not have the single state agency for the Title XIX plan.

Activities: Advises on policy development and program administration, including furtherance of recipient participation in the agency's program.

CFDA #13.766 Health Financing Research, Demonstrations and Experiments

State Medical Care Advisory Committee

Members and Activities: Same as CFDA #13.714.

HEW—Social Security Administration

CFDA #13.810 Assistance Payments—State and Local Training

Advisory Committee on Aged, Blind, and Disabled (at the state level and at the local level where programs are locally administered, except that in local jurisdictions of small caseloads alternate procedures for securing similar participation may be established. This advisory committee may be combined with the AFDC-CWS advisory committee described in CFDA #13.645)

Members: Representatives of other state agencies concerned with services, representatives of professional, civic, or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives, who shall constitute at least one-third the membership.

Activities: Advises the principal policy setting and administrative officials in the agency.

CFDA #13.814 Refugee Assistance—Indochinese Refugees

Advisory Board

Members: Equal numbers of representatives from among the refugee community, mental health clinicians, and social services agencies.

Activities: Advises grantee.

HEW—Public Health Service—II

CFDA #13.887 Medical Facilities

Construction—Project Grants

1. Governing Body, Health Systems Agency
2. Statewide Health Coordinating Council

Members and Activities: Same as CFDA #13.220 (1) and (2).

Department of Justice

CFDA #16.500 Law Enforcement Assistance—Comprehensive Planning Grants

State Planning Agency Supervisory Board

Members: Representatives of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and representatives of citizens, professionals, and community organizations, including organizations directly related to delinquency prevention.

Activities: Views, approves, and maintains general oversight of the state plan and its implementation.

CFDA #16.502 Law Enforcement Assistance—Improving and Strengthening Law Enforcement and Criminal Justice

State Planning Agency Supervisory Board

Members and Activities: Same as CFDA #16.500.

CFDA #16.516 Law Enforcement Assistance—Juvenile Delinquency Prevention—Allocation to States

Advisory Group

Members: Not less than 21 and not more than 33 shall have training, experience, or special knowledge concerning prevention and treatment of juvenile delinquency or the administration of juvenile justice agencies, and public agencies units of local government, law enforcement and juvenile justice agencies, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments; shall include representatives of private organizations concerned with delinquency prevention or treatment, neglected or dependent children, quality of juvenile justice, education or social services for children; the majority of whose members shall not be full-time employees of the federal, state, or local government; and at least one-third of whose members shall be under the age of 26.

Activities: Advises state's planning agency and its supervisory board.

Department of Labor

CFDA #17.207 Employment Service

State Advisory Council

Members: Men and women representing employers and employees in equal numbers and the public.

Activities: Formulates policies and discusses problems relating to employment and ensures impartiality, neutrality, and freedom from political influence in the solution of such problems.

CFDA #17.230 Migrant and Seasonal Farm Workers

Prime Sponsor Manpower Planning Council

Members: Representatives of the participant community and of community-based organizations, the state employment security agency, education and training agencies and institutions, business, organized labor, and where appropriate, agriculture.

Activities: Advises the prime sponsor in the setting of basic goals, policies, and procedures.

CFDA #17.232 Comprehensive Employment and Training Programs

1. Prime Sponsor Planning Council

Members: Representatives of the client community and of community-based organizations, the employment services, education and training agencies and institutions, business, labor, and where appropriate, agriculture.

Activities: Submits recommendations for program plans and basic goals, policies, and procedures; monitors and provides for objective evaluations of employment and training programs conducted in prime sponsorship area; and provides for continuing analyses of needs for employment, training, and related services in such areas.

2. State Manpower Services Council

Members: (i) Representatives of the unit or combinations of units of general local government, who shall comprise at least one-third of the membership of the council, which have comprehensive manpower plans approved, (ii) one representative each of the state board of vocational education in the public employment service, (iii) one representative of the state advisory council on vocational education, (iv) one representative each of such other state agency as the Governor may determine to have a direct interest in overall manpower training and utilization within the state, (v) representatives of organized labor, (vi) representatives of business and industry, (vii) representatives of community-based organizations and of the client community to be served under this chapter, and (viii) representatives of the general public.

Activities: (i) Reviews the plans of each prime sponsor and of state agencies for the provision of services to such prime sponsors and make recommendations to such prime sponsors and agencies, (ii) continuously monitors the operation of programs conducted by each prime sponsor and the availability, responsiveness, and adequacy of state services, (iii) makes an annual report to the Governor, and (iv) identifies the employment and training and vocational education needs of the state and assesses the extent to which employment training, vocational education, vocational rehabilitation and other programs are a consistent, integrated, and coordinated approach to meeting such needs.

CFDA #17.239 Youth Community Conservation Improvement Program

1. Prime Sponsor Planning Council
2. State Manpower Services Council

Members and Activities: Same as CFDA #17.232 (1) and (2).

CFDA #17.240 Youth Employment and Training

1. Prime Sponsor Planning Council

Members and Activities: Same as CFDA #17.232 (1).

2. Youth Council

Members: Representation from the local educational agency, local vocational education advisory council, post-secondary educational institutions, business, unions, the state employment security agency, local government and non-government agencies and organizations which are involved in meeting the special needs of youth, the community served by the applicant, the prime sponsor, and youths themselves.

Activities: Makes recommendations to the prime sponsor planning council with respect to planning and review of activities conducted by this program.

Public Service Employment Program (Not in 1978 CFDA)

1. Prime Sponsor Manpower Planning Council
2. State Manpower Services Council

Members and Activities: Same as CFDA #17.232 (1) and (2).

Appalachian Regional Commission

CFDA #23.009 Appalachian Local Development District Assistance

Local Development District (LDD) Governing Board

Members: Full and fair representation of all sectors of the population in the area served assuring to the fullest extent practicable that the members reflect the composition and interests of the population in the area; provided, however, that a governing board which is required by state law to consist solely of members who are appointed from county or municipal posts to which they are elected by the entire county or municipal electorate shall be deemed to satisfy these requirements.

Activities: Governing body of the LDD.

CFDA #23.013 Appalachian Child Development

State-Level Interagency Committee

Members: Representatives from at least the state's departments of health, mental health, education, child welfare, the state planning agency's human resource or social programs arm (or the functional equivalent of any of the above), and any state agency providing services to children.

Activities: Carries out, or provides policy advice for carrying out, the development of the state child development plan.

General Services Administration

CFDA #39.006 National Historical Publications and Records Grants

State Historical Records Advisory Board

Members: At least seven members, including the state's historical records coordinator, who chairs the board. The majority of the members shall have recognized professional experience in the administration of historical records or in the field of research that makes extensive use of such records. The board is broadly representative as possible of the public and private archival and research institutions and organizations in the state.

Activities: Central advisory board for historical records planning and for projects developed and carried out within the state.

Community Services Administration

CFDA #49.002 Community Action

1. Community Action Agency (CAA) Board

Members: At least one-third is representative of the poor and residents of the areas to be served by the CAA, chosen in a democratic way.

Activities: Responsible for CAA policies and operations.

2. State Economic Opportunity Office Advisory Committee

Members: Representatives elected by the representatives of the poor of each CAA board in the state.

Activities: Participates in development of policies and procedures for the statewide programs; reviews and comments on the programs; participates in evaluations; and presents findings to the SEOO for its consideration.

CFDA #49.011 Community Economic Development

Community Development Corporation Governing Body

Members: Not less than 50% must be residents of the area served.

Activities: Responsible for corporation's policies and operations.

CFDA #49.013 State Economic Opportunity Offices

SEOO Advisory Committee

Members and Activities: Same as CFDA #49.002 (2).

CFDA #49.014 Emergency Conservation Services

Project Advisory Committees

Members: Made up of at least 51% poor persons, including representatives of the local governments and other resource agencies within the community served as well as a representative or representatives of the local public utility and local fuel dealers.

Activities: Advises the grantee board on policies for guiding development of the appropriate local responses to energy problems of the poor and recommends to the board standards of program quality to be met by each project.

Environmental Protection Agency

CFDA #66.001 Air Pollution Control Program Grants

Permit Board

Members: At least a majority must represent the public interest and may not derive any significant portion of their income from persons subject to permits or enforcement orders under the *Air Pollution Act.*

Activities: Approves permits or enforcement orders under the *Air Pollution Act.*

Action

CFDA #72.001 Foster Grandparent Program

Foster Grandparent Advisory Council

Members: Representatives of the community, including major private and public community agencies, minority groups, civic and service organizations, and representation from volunteer agencies and organizations concerned with the interests of older persons and volunteerism. One-fourth of the members shall be, or represent, low income persons, aged 60 or older, and may include foster grandparents.

Activities: Advises and assists the sponsor in planning, community support, project operating problems, and provides an annual appraisal of project operations.

CFDA #72.002 Retired Senior Volunteer Program

Retired Senior Volunteer Program Advisory Council

Members: Representation from volunteer agencies, specialists in the field of aging and volunteerism, major private organizations and public agencies concerned with the best interests of older persons and also volunteers, and other citizens of the community able to make a substantial contribution to the project. At least one-fourth shall be persons aged 60 and over and must include retired senior volunteer program volunteers.

Activities: Prior to filing of the project application, gives advice on planning of the project and on drafting of the application and, after funding, gives the sponsors support, assistance, and advice on significant decisions and actions.

CFDA #72.008 The Senior Companion Program

Advisory Council

Members: Representatives of major private and public community agencies, minority groups, civic and service organizations, and volunteer agencies and organizations concerned with the interests of older persons and volunteerism. One-fourth shall be, or represent low income persons aged 60 or over and include at least one senior companion as a member.

Activities: Advises and assists sponsor in planning, support, related project operations and an annual appraisal.

Department of Energy

CFDA #81.042 Weatherization Assistance Program for Low Income Persons

Policy Advisory Council

Members: Broadly representative of organizations and agencies providing services to low income persons.

Activities: Advises the responsible official or agency administering the allocation of financial assistance in such state or area with respect to the development and implementation of weatherization assistance.

273

Chapter 5

Citizen Participation in State and Local Government

INTRODUCTION

Citizen participation at the state and local levels of government is broad and pervasive, yet it easily escapes description because of its complexity and the diversity of governments in the 50 states and the 80,120 local jurisdictions. State and local citizen participation also is paradoxical; while these levels of government often are viewed as being closer to the citizen and thus more subject to popular control, many groups contend that their decisionmaking processes are often closed and secretive. The testimony on the reenactment of General Revenue Sharing highlighted these divergent opinions. Thus, state and local participation is controversial. One side holds that citizen participation is effective in guiding state and local actions, and the matter should be of no concern to the federal government, while others cite a long history of closed meetings and tightly held control by local elites, using such examples as the community power literature which indicates business or old family domination.[1]

The whole topic is too complex and broad to be dealt with comprehensively in a part of this report, even if limited to fiscal issues. However, it is possible to pay some attention to certain types of citizen participation about which information exists. Citizen participation requirements exist to some degree in every state, applying to the states themselves and to local units of government.

There are generally provisions for direct democracy, through initiative and referendum on state and/or local legislation, as well as election and recall of officials. Further forms or variants of direct democracy include voter approval of bond issues, tax limitations or exceptions to limitations, and various constitutional change mechanisms, some of which may be initiated by citizens. Local budgetary processes are often subject to public hearings, as are many nonfiscal matters such as zoning changes or even routine ordinance passage. Other mechanisms such as advisory commissions are common at both the state and local levels. Open meeting laws are becoming more frequent, and groups are springing up to enforce their provisions.

This chapter reviews available information about these participatory provisions.

BUDGETARY PRACTICES AT THE STATE AND LOCAL LEVELS

State Laws Calling for Public Meetings and Public Participation in Local Budgetary Processes

A basic requirement for public participation in the local budget process is that budget discussions should be open to the public so that citizens may formally express their opinions and be informed about financial decisions for the coming year. Even complete interaction throughout the year, with legislative budget responsiveness to the views expressed, falls short of the need to formally act on fiscal matters in the presence of citizens.

Although not universal, states generally provide by statute that localities hold such hearings, and often formally announce the time and place in advance as well as provide for inspection of the proposed or adopted budget. A November 1975, study of state statutes by the Congressional Research Service indicated that:

1. In 35 states, citizens or taxpayers had some access to the municipal budget process.
2. In 30 states, citizens or taxpayers had some access to the county budget process.
3. In 23 states, citizens or taxpayers had some access to both the city and the county budget process.
4. In 38 states, publication was required giving notice of a proposed budget and/or budget hearings before a final budget could be adopted for a city or county. In one other state, the proposed county budget was open for inspection before final adoption.
5. In 32 states, statutes expressly required public hearings before city or county budgets could be finally adopted. Where a state statute provided for a "public hearing," it is herein construed as contemplating some public participation, although most statutes expressly provided for public opportunity to express views for or against budget items. One other state provided for an election to enact the city budget. Two others provided for town meetings, implying public participation thereat. Two others provided for written protests or petitions to protest items in a proposed city or county budget.[2]

It is doubtful that significant changes have occurred since this survey was taken. Any changes that may have occurred probably result from the federal revenue sharing requirements for hearings, notice of hearings, and citizen inspection of related documents preceding the appropriation of revenue sharing funds. Since many jurisdictions mingle their own general funds with revenue sharing funds, hearings on, and publication of notice for, at least this federally funded part of the budget now are required for almost all jurisdictions—excluding only a few very small ones eligible for waiver of this requirement if it would be unreasonably burdensome.

Laws regarding hearings vary significantly among the states, however. Louisiana municipalities, for example, were required to publish the budget but not hold public hearings. Maryland cities must hold a public hearing after two weeks notice, but the type of notice is not spelled out in the 1973 law. Mississippi requires both municipalities over 1,000 population and all counties to prepare and publish a budget, but no mention of a public hearing was found. Several states (including Minnesota, Georgia, Maine, Alabama, Vermont, New Mexico, Rhode Island, North Carolina, and West Virginia) do not require local units to either publish or hold hearings on the budget. Conversely, at least 15 states (including Texas, Wisconsin, Colorado, Pennsylvania, Michigan, Arizona, Montana, Nebraska, New Jersey, New York, Wyoming, Oklahoma, Utah, Virginia, and Washington) require both publication and hearings. About a dozen other states require either municipalities or counties (but not both) to publish and hold hearings.

Survey of Localities in the 50 States

In early 1978, ACIR used the International City Management Association's survey facilities to ask a large group of local governments several questions about their budgetary practices. All municipalities (including townships) over 10,000 population, and all counties over 50,000, were surveyed, and about 57% responded overall (60% of the municipalities and 45% of the counties).

One question dealt with local officials' evaluations of citizen participation in the budget process. *Table 5-1* highlights the findings. In general, nearly 60% of local officials indicated that local participation takes place through formal mechanisms such as hearings and advisory committees, while the balance of those reporting were inclined to report a more informal form of participation through phone calls or personal contacts. There was a strong belief by local officials that most citizens attended the budget hearings to seek specific goals or to represent special interests rather than because of "genuine interest" in the budget process. Over 84% of municipal and 90% of county officials indicated this feeling (in a set of forced-choice paired questions). The allocation of funds through the budget process is not generally associated with citizen controversies, according to respondents. Apparently any community divisions that exist do not emerge at this point.

In short, most participation is reported to be through formal channels, with most citizens seeking specific goals for themselves or their interests. However, the budget process does not generally become fraught with controversy. Counties are slightly more likely than cities to see controversy as individuals or groups seek additional funding.

DESIRED LEVELS OF CITIZEN PARTICIPATION

Local officials also were asked to assess both the actual and desired level of citizen participation. *Table 5-2* provides the detailed information. Slightly over half of both county and municipal respondents indicated that there is "very little" citizen participation in the budget process, while less than 8% described it as a "great deal." Fifty-four percent of municipal and 65% of county officials desired more participation in the process than exists now, while only about 2% desired less participation. About a third of municipal and 40% of county officials indicated that citizen participation has increased from previous years, with under 5% noting a decrease. However, nearly two-thirds of municipal and nearly 60% of county officials noted that very few changes in the budget occur because of citizen participation.

More county than municipal officials reported that participation had increased a great deal, that there was more citizen participation, that they desired more, and that they had made changes in the budget process due to citizen activity. This may be because cities had developed higher levels of activity in earlier years, toward which counties are now moving. Counties appear to be seeking greater participation now than municipalities.

Table 5-1

EVALUATIONS OF CITIZEN PARTICIPATION IN THE BUDGET PROCESS BY LOCAL OFFICIALS, 1978

Paired Questions	Best Describes Your Situation	
	Municipality	County
1. Most participation is informal through phone contacts with government officials	40.2	41.8
OR		
Participation is usually through advisory committees, hearings, or other parts of the formal structure	59.8	58.2
	100.0	100.0
2. Most participants attend meetings only to seek additional funding for the special interests they represent	84.4	90.5
OR		
Citizens attend hearings because of genuine interest in the entire budget process	15.6	9.5
	100.0	100.0
3. Generally, citizen controversies rarely arise over allocation of funds	84.1	80.1
OR		
Citizen controversies often arise over allocation of budget funds	15.9	19.9
	100.0	100.0

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-2

EVALUATIONS OF CITIZEN PARTICIPATION IN THE BUDGET PROCESS, BY LOCAL OFFICIALS, 1978

(in percent)

Question	Municipalities			Counties		
	Very Little	Moderate Amount	A Great Deal	Very Little	Moderate Amount	A Great Deal
1. *Citizen participation in the budget process is . . .*	52.3%	41.5%	6.2%	51.3%	41.6%	7.1%
	More	About the Same Level	Less	More	About the Same Level	Less
2. *Desirable citizen participation in the budget process . . .*	54.5%	43.3%	2.2%	65.6%	33.2%	1.2%
	Increased	Remained Same	Decreased	Increased	Remained Same	Decreased
3. *Citizen participation in the budget process has in the last few years . . .*	33.9%	61.7%	4.4%	41.3%	54.3%	4.3%
	Very Few	A Moderate Number	A Substantial Number	Very Few	A Moderate Number	A Substantial Number
4. *How many changes in the budget process are due to citizen participation?*	65.7%	31.0%	3.3%	58.8%	35.4%	5.8%

Common Combinations of Answers	Municipalities	Counties
1 and 2 *There is very little citizen participation in the budget process.*		
More would be desirable.	37.3%	41.3%
About the same level is desirable.	13.7	8.9

There is a moderate amount of citizen participation in the budget process.		
More would be desirable.	16.6	21.6
About the same level is desirable.	24.7	20.1
There is a great deal of citizen participation in the budget process.		
About the same level is desirable.	4.8	4.2
Miscellaneous combinations.	2.9	3.9
	100.0%	100.0%
Citizen participation in the budget process has increased in the past few years.		
Very few changes in the budget process have been made because of citizen participation.	14.0%	12.8%
A moderate number of changes in the budget process have been made because of citizen participation.	17.9	24.4
A substantial number of changes in the budget process have been made because of citizen participation.	2.5	4.4
Citizen participation in the budget process has remained the same in the past few years.		
Very few changes in the budget process have been made because of citizen participation.	48.5	43.2
A moderate number of changes in the budget process have been made because of citizen participation.	12.1	9.2
Citizen participation in the budget process has decreased in the past few years, and very few changes in the budget process have been made because of citizen participation.	3.1	3.6
Miscellaneous combinations	1.9	2.4
	100.0%	**100.0%**

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-3

TYPES OF ORGANIZATIONS REPRESENTED AT LOCAL PUBLIC HEARINGS, BY LOCAL JURISDICTIONS IN THE 50 STATES

	Total Respondents		(a) League of Women Voters		(b) Social Services		(c) Business		(d) Taxpayers		(e) Senior Citizens	
States	**City**	**County**	**City**	**County**	**City**	**County**	**City**	**County**	**City**	**County**	**City**	**County**
Alabama	19	1	10	1	15	1	10	0	4	1	15	1
Alaska	3	0	2	0	3	0	3	0	3	0	3	0
Arizona	11	3	7	0	11	1	9	2	3	3	10	3
Arkansas	12	3	7	2	7	2	6	2	4	1	8	1
California	159	21	66	14	116	28	116	16	72	20	116	20
Colorado	21	8	15	8	13	8	15	7	5	6	13	6
Connecticut	42	0	25	0	28	0	20	0	33	0	28	0
Delaware	3	1	3	0	3	1	2	0	0	0	3	1
District of Columbia	0	0	0	0	0	0	0	0	0	0	0	0
Florida	56	13	9	10	35	13	28	7	20	12	38	13
Georgia	25	6	5	2	17	5	12	2	6	3	18	2
Hawaii	1	1	1	0	1	1	1	1	1	0	1	1
Idaho	7	1	5	1	4	1	6	1	4	1	4	1
Illinois	69	8	43	5	36	8	33	2	16	3	44	7
Indiana	22	7	8	5	13	6	11	3	6	5	18	4
Iowa	22	5	12	3	12	3	14	2	5	3	16	4
Kansas	23	1	12	1	17	1	12	1	7	1	20	1
Kentucky	16	1	6	0	8	1	7	1	4	0	11	1
Louisiana	10	2	3	1	8	2	6	0	3	0	7	1
Maine	9	1	6	0	8	1	5	0	4	0	7	1
Maryland	13	10	5	9	6	8	7	7	5	7	10	6
Massachusetts	40	6	27	1	20	5	21	1	17	1	31	3
Michigan	58	10	31	9	32	8	18	2	13	2	38	6
Minnesota	38	5	28	5	17	5	20	4	12	2	21	3
Mississippi	8	1	3	0	6	0	5	0	2	0	6	0
Missouri	28	4	14	3	15	1	9	2	5	2	23	1
Montana	5	2	4	2	3	2	3	1	4	2	3	2
Nebraska	8	2	3	2	3	1	4	2	3	0	7	1
Nevada	5	2	1	1	5	2	4	1	2	1	4	2
New Hampshire	9	2	4	0	9	2	6	0	6	0	8	2
New Jersey	70	5	23	1	32	4	26	0	31	3	58	4
New Mexico	11	4	6	3	7	4	3	2	2	1	11	4
New York	34	23	13	16	20	15	24	13	15	19	22	18
North Carolina	30	20	14	9	15	16	12	8	4	5	18	14
North Dakota	3	2	2	0	1	1	1	0	1	1	3	1
Ohio	58	14	32	11	26	12	25	4	9	6	39	11
Oklahoma	19	0	11	0	7	0	7	0	1	0	14	0
Oregon	20	5	13	4	14	5	11	3	1	1	13	5
Pennsylvania	65	16	32	9	24	12	16	2	30	9	30	13
Rhode Island	13	0	8	0	10	0	8	0	12	0	12	0
South Carolina	17	12	4	8	9	11	7	7	2	7	13	7
South Dakota	6	1	4	1	3	1	4	1	3	1	3	1
Tennessee	17	4	6	3	8	3	9	3	2	2	9	1
Texas	71	11	22	6	47	4	27	5	17	5	52	6
Utah	7	1	4	0	3	0	4	0	2	1	3	1
Vermont	2	1	1	0	2	1	0	0	1	0	1	0
Virginia	19	10	11	7	11	6	9	5	11	9	16	6
Washington	26	7	15	6	20	5	12	3	4	3	22	4
West Virginia	8	3	2	3	7	3	4	11	3	2	7	3
Wisconsin	23	9	15	5	10	7	12	4	10	7	14	9
Wyoming	3	1	2	1	2	1	1	0	0	1	2	1

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1958.

Table 5-3 (cont.)

TYPES OF ORGANIZATIONS REPRESENTED AT LOCAL PUBLIC HEARINGS, BY LOCAL JURISDICTIONS IN THE 50 STATES

(f) Racial		(g) Homeowner		(h) Neighborhood		(i) Other		Number of Different Types of Organizations					
								City			County		
City	County	City	County	City	County	City	County	Average	High	Low	Average	High	Low
17	1	6	0	14	1	2	1	5	8	2	7	7	7
2	0	2	0	2	0	0	0	6	8	4	0	0	0
8	1	5	2	10	1	1	1	5½	8	3	4½	7	2
6	1	3	1	9	2	1	1	3½	6	1	5	8	2
54	16	74	11	70	16	24	4	5	9	1	6	9	3
7	4	5	3	7	4	4	0	4½	8	1	6	8	4
13	0	13	0	25	0	5	0	4½	8	1	0	0	0
2	1	0	0	3	0	0	0	5½	6	5	3	3	3
0	0	0	0	0	0	0	0	0	0	0	0	0	0
28	8	31	10	32	10	10	0	5	9	1	6	8	4
17	4	10	2	9	2	5	1	4½	8	1	4½	8	1
0	1	1	0	1	1	0	1	7	7	7	6	6	6
2	0	2	0	3	1	0	0	4	6	2	6	6	6
17	1	29	1	29	1	9	1	4½	8	1	3½	5	2
3	2	4	3	9	2	4	1	4	7	1	4	7	1
4	1	2	0	11	1	4	1	4½	8	1	4½	7	2
12	0	8	0	12	1	1	0	4½	8	1	6	6	6
8	0	7	0	9	0	3	0	5	8	2	3	3	3
7	2	4	0	7	0	1	0	5	8	2	3	3	3
1	0	2	0	6	0	1	1	5	7	3	3	3	3
5	6	9	5	9	7	1	3	4½	8	1	5	9	1
9	1	14	1	19	0	7	4	4½	8	1	4	7	1
17	4	24	1	29	2	9	2	4½	8	1	4	7	1
5	1	10	0	13	4	5	1	5	9	1	5	6	4
8	1	2	1	3	0	0	0	4½	8	1	2	2	2
13	1	11	0	17	0	5	1	5	9	1	3	5	1
2	1	2	1	3	1	1	2	4½	8	1	7	9	5
3	0	1	0	1	1	0	0	4	7	1	3½	5	2
3	1	0	2	3	1	0	1	4½	6	3	6	8	4
0	0	2	0	5	1	2	0	4	7	1	2½	3	2
21	1	22	0	30	1	10	1	4½	8	1	3	4	2
6	2	1	2	7	3	2	0	5	8	2	5½	8	3
15	8	14	5	21	9	9	1	5	9	1	5	9	1
22	5	9	4	21	5	3	4	4½	8	1	4½	7	2
0	0	1	0	0	0	0	0	3	4	2	1½	2	1
16	7	13	3	24	8	9	3	5	9	1	5	8	2
8	0	2	0	11	0	3	0	4	7	1	0	0	0
3	1	5	0	9	2	1	0	3½	6	1	4	5	3
9	5	20	3	32	5	10	1	4½	8	1	4	7	1
5	0	8	0	11	0	1	0	5½	8	3	0	0	0
12	10	4	5	10	9	1	0	4½	8	1	5½	8	3
0	0	0	1	3	0	1	0	4½	6	3	6	6	6
11	1	6	1	8	2	4	0	4½	8	1	4	5	3
41	3	15	0	33	4	12	0	4½	8	1	3½	6	1
1	0	2	0	2	0	1	0	5	9	1	2	2	2
0	0	1	0	1	0	0	1	3½	6	1	2	2	2
11	5	10	7	14	7	1	2	4½	8	1	5½	9	2
8	2	8	2	9	2	2	1	4½	8	1	4½	8	1
4	2	3	1	4	2	2	0	4½	7	2	5½	8	3
2	3	4	2	5	2	5	2	4½	8	1	[illegible]	[illegible]	2
0	0	0	0	0	0	1	0	2½	4	1	[illegible]	[illegible]	4

GROUP REPRESENTATION AT HEARINGS

Nationally, municipalities reported that 81% of all hearings were attended by one or more groups, compared to 86% for counties. The groups identified were the League of Women Voters, social service organizations, business and/or industry, taxpayers, senior citizens, racial or ethnic groups, homeowners, neighborhoods, and others which were active in the respondents' locality. Senior citizens were the most frequently reported group in attendance at municipal hearings, followed in order by social service groups, the League of Women Voters, business and/or industry, neighborhoods, racial or ethnic groups, taxpayers, homeowners, and others. Nationally there were about twice as many senior citizen groups reported attending hearings as homeowners. The other groups were represented much less frequently.

The rankings were similar for counties, except that taxpayer groups were stronger, ranking fourth. Counties reported an average of 3.2 groups per hearing, compared to 2.7 for cities. In general, western cities and counties reported more attending hearings. Smaller units reported the least. Cities and municipalities in a metropolitan area or with city managers or county administrators had more groups attending than nonmetropolitan or nonmanager units. Senior citizens, the most active group, are most likely to appear before hearings in smaller cities, while all other groups are most commonly found in central cities. Taxpayer groups are strongest in central cities.

Table 5-3 provides state-by-state information on the groups reported to have appeared before localities. For example, Alabama had one county respond to the question on types of organizations represented, and that county reported that all groups but business and homeowners appeared at one or more local budget or Community Development Block Grant hearings. Four of the 19 Alabama cities had taxpayer groups at one or more hearings, the least active group next to "other," while 17 of the cities had racial or ethnic groups present at one or more hearings.

To highlight further, some of the information from this state-by-state listing, two other tables were prepared for certain selected states—illustrating a range of demographic, political, and geographical characteristics. The first (*Table* 5-4) covers selected municipalities, while the other (*Table* 5-5) covers counties. These two tables convert the responses of cities and counties, indicating the type of group representation occurring at one or more hearings, into percentages for each type of hearing and multiply by nine, the maximum number of groups inquired about. Totaled across, the scores (with a maximum of 900 if every city had all groups present at one or more hearings) indicate a rough comparison among states.

A special entry is made in these two tables combining all municipalities or counties in the ten states which were not required by state law in 1975 to either hold hearings or publish notice of the budget. This entry was made to determine whether the historic lack of mandatory requirements appeared to result in less participative activity by community groups.

All of the selected states shown had at least 11 cities and three counties reporting. Arizona reported the most group activity among cities, followed by New Mexico and California. The lowest score was for Minnesota, which is one of the states with no history of requirements for budget hearings and notification. The combined group of ten states not requiring budget hearing or notices, including Minnesota, was not far in score from Colorado, the middle ranking state in the nine state sample. Counties had higher scores than cities in six of the states and generally reported slightly more activity. However, there was little difference in the state rankings. Michigan had the lowest score and California the highest. The group of ten states with no participation requirements ranked low—seventh out of nine.

The highest combined city and county scores were in California, New Mexico, and Arizona, while the lowest scores were in Michigan and Minnesota. Arizona and Michigan are two of the states with full 1975 hearing notification requirements for both municipalities and counties, while New Mexico and Minnesota had no requirements for either. The ranking for the ten states with no requirements was seventh of nine on both tables. All this suggests it is difficult to conclude that legal requirements clearly affect group involvement in the local budget process (at least as reported in 1978).

GRANTS-IN-AID

Another effect which citizen participation can

Table 5-4

PERCENTAGE OF REPORTING MUNICIPALITIES IN CERTAIN STATES INDICATING SPECIFIC GROUPS PRESENT AT ANY BUDGET OR COMMUNITY DEVELOPMENT BLOCK GRANT HEARING

State	League of Women Voters	Social Service	Business or Industry	Tax-payer	Senior Citizen	Racial or Ethnic	Home-owner	Neigh-borhood	Other	Total Summed Average[1]	Rank Order
Arizona	64	100	82	27	91	82	45	91	9	582	1
New Mexico	55	64	27	18	100	55	9	64	18	410	2
California	38	67	68	41	68	31	40	40	14	407	3
New York	33	51	62	39	56	39	36	54	23	393	4
Colorado	68	59	68	23	59	31	23	31	18	380	5
Indiana	37	59	56	26	85	22	22	41	15	363	6
Michigan	44	46	27	18	57	25	36	44	14	311	7
Minnesota	64	39	44	27	46	11	22	31	11	295	8
All Municipalities Not Required by the State in 1975 to Hold Public Hearings or Publish the Budget (190 in ten states)[2]	44	56	42	26	64	47	28	44	11	362	

[1] Sum of the percentages. A maximum score is 900, achieved if every city in the state reported each group present at least once at every hearing. Caution should be observed in using the figure since small states may have a very active city which may distort the totals.

[2] These ten states were identified in the November 1975 Congressional Research Service survey as having no requirements for municipal or county governments to either publish or hold hearings on their local budget. They include Minnesota and New Mexico, shown above, and Alabama, Georgia, Maine, North Carolina, Rhode Island, South Carolina, Vermont, and West Virginia.

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-5

PERCENTAGE OF REPORTING COUNTIES IN CERTAIN STATES INDICATING SPECIFIC GROUPS PRESENT AT ANY BUDGET OR COMMUNITY DEVELOPMENT BLOCK GRANT HEARING

State	League of Women Voters	Social Service	Business or Industry	Tax-payer	Senior Citizen	Racial or Ethnic	Home-owner	Neigh-borhood	Other	Total Summed Average[1]	Rank Order
California	67	100	76	95	95	76	53	76	19	657	1
Colorado	100	100	88	75	75	50	38	50	0	576	2
New Mexico	75	100	50	25	100	50	50	75	0	525	3
Arizona	0	33	67	100	100	33	67	33	33	467	4
New York	67	63	55	79	75	33	21	38	4	435	5
Minnesota	83	83	67	33	50	17	0	67	17	416	6
Indiana	50	60	30	50	40	20	30	20	10	330	7
Michigan	60	47	15	15	40	27	7	15	15	241	8
All Counties in States Not Requiring Public Hearings or Publication of Budget (ten states, 61 counties)[2]	49	79	41	34	57	41	23	42	14	380	

[1] Sum of the percentages. A maximum score is 900, achieved if every city in the state reported each group present at least once at every hearing. Caution should be observed in using the figure since small states may have a very active city which may distort the totals.

[2] Includes the same states as in *Table 5-4*. This sample is dominated by responses from North Carolina (26). Rhode Island, one of the ten states, has no counties.

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

have in the budget process involves the decision to apply for, scrap, or maintain grant proposals. The impact on the local budget process is obvious, although the ways that participation may be manifested are numerous and complex. A number of questions in the ACIR/ICMA survey dealt with the grants-in-aid process. Respondents were asked to answer "Yes" or "No" to the following questions:

a. Have grant proposals developed by staff been dropped because of citizen participation?

b. Have new grant proposals been developed as a result of citizen suggestions?

c. Has your local government transferred funding for a service or program from its general budget to a grant because of citizen participation?

d. Has your local government assumed the cost in its general budget for continuing a service or program funded through an expired grant because of citizen participation?

e. Has your local government dropped a service or program funded through a grant when the grant expired because of citizen participation?

f. Has citizen participation had a measurable effect on the setting of priorities within your local government's general budget?

The first five questions involve the federal grant-in-aid process specifically, while the last is a broader one about citizen participation and the budgeting process generally. *Tables 5-6 and 5-7* show the responses from cities and counties (respectively) in each state. The last entry in each table gives the national total for the category.

Citizen participation accounts for initiation of grant requests in about 60% of the cities, and the transfer of one or more expired grants to the general budget in 41%. Forty-three percent of municipalities indicated that citizen participation had a measurable effect on budget priorities. The rest of the responses were below 20%.

In the case of counties (*Table 5-7*), about the same proportion, 61%, initiated grant proposals because of citizen participation. Substantially more counties than cities (58% vs. 41%) transferred expiring grants to their general budget. About the same percentage of counties as cities (43%) indicated that citizen participation measurably affected their budget process. County respondents scored slightly or significantly higher than municipalities on their answers to all other questions except in being less likely to drop a grant proposal because of citizen opposition to a staff proposal. The absolute scores on each item for cities and counties in a state ranged from 0% to 100%, although few states with large numbers of respondents scored 100%. In 18 states, over half of the cities indicated that their budget process was measurably affected by citizen participation, while in 21 states over half the counties had a similar response. Twenty-one of the states had over half of their cities reporting transfer of grant proposals to the general budget because of citizen participation, while 29 of the 45 states with responding counties reported similarly. Nearly all states (47) had over half of their cities reporting initiation of grant proposals because of citizen participation, compared to only 32 states with counties reporting this practice.

It is significant that over 60% of both municipalities and counties reported that citizen participation led to the development of a new grant proposal, but that only about 43% of the same units reported that citizen participation affected their own budget priorities. Furthermore, 58% of counties and 41% of municipalities reported transferring an expired grant to their general budget because of citizen participation.

Evidently some of these repondents must have commented that citizen participation did not affect priorities in their general budget when they also reported developing grant proposals or transferring expired grants to the local budget because of citizen participation. Perhaps they distinguished between the local budget and the use of grants, the latter being "extra" or "discretionary" money which was at best a minor budget concern. Localities are not unaware of the fiscal impact of grants, since a fifth of cities and a quarter of counties transferred a project from their own budget to a grant program. One explanation, then, is that the budget process is a yearly, routine occurrence which does not have the policy implications and flexibility that grants have. Thus, the fiscal impact of grants may be considered outside the normal budget process.

STAFF ASSISTANCE

Localities, if they wish, can help citizens prepare for the budget process by providing staff

Table 5-6

EFFECT OF CITIZEN PARTICIPATION ON THE USE OF GRANT FUNDS (cities)

States	Total Cities Responding	(a) Cities Dropping Grants		(b) Cities Where CP Initiated Grants		(c) Cities Transferring Projects from General Budget to Grant		(d) Cities Transferring Expired Grants to General Budget		(e) Cities Dropping Expired Grant Program		(f) Cities Where CP Affects Priorities in General Budget	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alabama	20	4	20.0%	12	60.0%	3	15.0%	4	20.0%	0	0 %	13	65.0%
Alaska	3	3	100.0	3	100.0	1	33.3	2	66.7	2	66.7	2	66.7
Arizona	11	2	18.2	10	90.9	5	45.5	8	72.7	5	45.5	6	54.5
Arkansas	16	2	12.5	11	68.8	4	25.0	8	50.0	2	12.5	5	31.3
California	170	25	14.7	87	51.2	24	14.1	73	42.9	17	10.0	84	49.4
Colorado	22	1	4.5	14	63.6	6	27.3	6	27.3	4	18.2	9	40.9
Connecticut	42	14	33.3	29	69.1	8	19.1	26	61.9	12	28.6	27	64.3
Delaware	3	2	66.7	2	66.7	1	33.3	2	66.7	0	0	2	66.7
Florida	57	7	12.3	32	56.1	10	17.5	17	29.8	5	8.8	21	36.8
Georgia	26	3	11.5	14	53.9	6	23.1	9	34.6	0	0	10	38.5
Hawaii	1	0	0	1	100.0	0	0	1	100.0	0	0	1	100.0
Idaho	7	2	28.6	6	85.7	1	14.3	3	42.9	1	14.3	5	71.4
Illinois	45	12	26.7	30	66.7	13	28.9	32	71.1	8	17.8	31	68.9
Indiana	27	3	11.1	14	51.9	8	29.6	9	33.3	4	14.8	8	29.6
Iowa	22	6	27.3	17	77.3	8	36.4	15	68.2	3	13.6	9	40.9
Kansas	26	7	26.9	17	65.4	5	19.2	11	42.3	5	19.2	8	30.8
Kentucky	17	2	11.8	10	58.8	2	11.8	6	35.3	1	5.9	7	41.2
Louisiana	13	1	7.7	7	53.9	3	23.1	5	38.5	0	0	4	30.8
Maine	12	3	25.0	7	58.3	2	16.7	4	33.3	0	0	3	25.0
Maryland	13	3	23.1	10	76.9	1	7.7	6	46.2	2	15.4	7	53.9

Massachusetts	50	3	6.0	28	56.0	9	18.0	26	52.0	9	18.0	27	54.0
Michigan	65	9	13.9	44	67.7	14	21.5	26	40.0	8	12.3	25	38.5
Minnesota	41	9	22.0	21	51.2	7	17.1	17	41.5	3	7.3	17	41.5
Mississippi	10	2	20.0	7	70.0	4	40.0	5	50.0	1	10.0	5	50.0
Missouri	33	8	24.2	21	63.6	8	24.2	17	51.5	2	6.1	13	39.4
Montana	5	1	20.0	3	60.0	1	20.0	3	60.0	2	40.0	1	20.0
Nebraska	8	2	25.0	6	75.0	3	37.5	2	25.0	2	25.0	3	37.5
Nevada	5	0	0	4	80.0	1	20.0	3	60.0	0	0	2	40.0
New Hampshire	10	6	60.0	10	100.0	4	40.0	10	100.0	4	40.0	7	70.0
New Jersey	82	8	9.8	49	59.8	20	24.4	33	40.2	11	13.4	35	42.7
New Mexico	11	3	27.3	7	63.6	3	27.3	5	45.5	4	36.4	5	45.5
New York	35	11	31.4	23	65.7	12	34.3	15	42.9	6	17.1	12	34.3
North Carolina	34	7	20.6	21	61.8	10	29.4	12	35.3	4	11.8	20	58.8
North Dakota	4	1	25.0	3	75.0	4	100.0	2	50.0	1	25.0	2	50.0
Ohio	77	14	18.2	47	61.0	9	11.7	21	27.3	5	6.5	24	31.2
Oklahoma	25	3	12.0	13	52.0	5	20.0	12	48.0	3	12.0	11	44.0
Oregon	21	6	28.6	12	57.1	5	23.8	7	33.3	3	14.3	12	57.1
Pennsylvania	79	12	15.2	37	46.8	11	13.9	18	22.8	6	7.6	18	22.8
Rhode Island	13	5	38.5	10	76.9	1	7.7	10	76.9	3	23.1	5	38.5
South Carolina	18	1	5.6	10	55.6	2	11.1	2	11.1	0	0	5	27.8
South Dakota	6	0	0	2	33.3	0	0	3	50,0	1	16.7	2	33.3
Tennessee	21	0	0	14	66.7	2	9.5	10	47.6	1	4.8	8	38.1
Texas	93	7	7.5	47	50.5	14	15.1	26	28.0	8	8.6	37	39.8
Utah	10	0	0	5	50.0	1	10.0	3	30.0	2	20.0	4	40.0
Vermont	2	1	50.0	1	50.0	2	100.0	1	50.0	1	50.0	2	100.0
Virginia	17	3	17.7	16	94.1	3	17.7	10	58.8	3	17.7	9	52.9
Washington	27	8	29.6	21	77.8	5	18.5	14	51.9	4	14.8	11	40.7
West Virginia	9	2	22.2	7	77.8	1	11.1	3	33.3	1	11.1	6	66.7
Wisconsin	29	2	6.9	17	58.6	4	13.8	10	34.5	1	3.5	11	37.9
Wyoming	3	0	0	1	33.3	1	33.3	2	66.7	0	0	1	33.3
U.S. Total	1,396	236	16.9	840	60.2	277	19.8	575	41.2	170	12.2	602	43.1

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-7

EFFECT OF CITIZEN PARTICIPATION ON THE USE OF GRANT FUNDS (counties)

States	Total Counties Responding	(a) Counties Dropping Grants		(b) Counties Where CP Initiated Grants		(c) Counties Transferring Projects from General Budget to Grant		(d) Counties Transferring Expired Grants to General Budget		(e) Counties Dropping Expired Grant Program		(f) Counties Where CP Affects Priorities in General Budget	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alabama	3	0	0 %	1	33.3%	0	0 %	0	0 %	0	0 %	0	0 %
Alaska	0	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	3	0	0	1	33.3	1	33.3	2	66.7	1	33.3	2	66.7
Arkansas	4	1	25.0	4	100.0	3	75.0	1	25.0	0	0	3	75.0
California	21	3	14.3	14	66.6	7	33.3	17	81.0	8	38.1	13	62.0
Colorado	8	0	0	6	75.0	2	25.0	6	75.0	1	12.5	4	50.0
Connecticut	0	0	0	0	0	0	0	0	0	0	0	0	0
Delaware	1	0	0	1	100.0	0	0	1	100.0	0	0	0	0
Florida	14	3	21.4	13	92.9	4	28.6	9	64.3	4	28.6	9	64.3
Georgia	6	1	16.7	4	66.7	2	33.3	4	66.7	0	0	1	16.7
Hawaii	1	0	0	1	100.0	0	0	1	100.0	0	0	1	100.0
Idaho	2	2	100	2	100.0	2	100.0	2	100.0	2	100.0	2	100.0
Illinois	9	0	0	3	33.3	3	33.3	5	55.6	1	11.1	0	0
Indiana	8	0	0	2	25.0	3	37.5	4	50.0	0	0	4	50.0
Iowa	5	0	0	3	60.0	2	40.0	2	40.0	0	0	1	20.0
Kansas	3	0	0	1	33.3	0	0	1	33.3	1	33.3	1	33.3
Kentucky	2	0	0	1	50.0	0	0	1	50.0	0	0	1	50.0
Louisiana	2	0	0	2	100.0	1	50.0	0	0	0	0	2	100.0
Maine	1	0	0	0	0	0	0	0	0	0	0	1	100.0
Maryland	10	3	30	7	70.0	5	50.0	6	60.0	1	10.0	7	70.0

Massachusetts	6	0	0	5	83.3	1	16.7	4	66.7	2	33.3	2	33.3
Michigan	14	2	14.3	7	50.0	1	7.1	6	42.9	5	35.7	1	7.1
Minnesota	6	2	33.3	3	50.0	2	33.3	5	83.3	2	33.3	4	66.7
Mississippi	1	0	0	0	0	0	0	0	0	0	0	0	0
Missouri	4	0	0	1	25.0	0	0	1	25.0	0	0	0	0
Montana	3	1	33.3	3	100.0	2	66.7	3	100.0	1	33.3	2	66.7
Nebraska	2	0	0	2	100.0	0	0	2	100.0	1	50.0	1	50.0
Nevada	2	0	0	1	50.0	1	50.0	1	50.0	0	0	1	50.0
New Hampshire	1	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	6	1	16.7	5	83.3	1	16.7	5	83.3	1	16.7	3	50.0
New Mexico	4	1	25.0	2	50.0	1	25.0	3	75.0	0	0	4	100.0
New York	22	2	9.1	13	59.1	4	18.2	9	40.9	2	9.1	6	27.3
North Carolina	26	0	0	13	50.0	5	19.2	17	65.4	8	30.8	10	38.5
North Dakota	2	0	0	0	0	0	0	1	50.0	0	0	0	0
Ohio	17	3	17.7	11	64.7	4	23.5	8	47.1	2	11.8	4	23.5
Oklahoma	0	0	0	0	0	0	0	0	0	0	0	0	0
Oregon	6	2	33.3	4	66.7	1	16.7	5	83.3	2	33.3	2	33.3
Pennsylvania	17	1	5.9	8	47.1	5	29.4	7	41.2	0	0	9	52.9
Rhode Island	0	0	0	0	0	0	0	0	0	0	0	0	0
South Carolina	12	1	8.3	8	66.7	2	16.7	7	58.3	1	8.3	9	75.0
South Dakota	2	1	50.0	2	100.0	1	50.0	1	50.0	1	50.0	1	50.0
Tennessee	5	0	0	3	60.0	1	20.0	2	40.0	0	0	2	40.0
Texas	11	0	0	6	54.6	3	27.3	4	36.4	0	0	4	36.4
Utah	1	0	0	0	0	1	100.0	0	0	0	0	0	0
Vermont	0	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	10	2	20.0	6	60.0	1	10.0	6	60.0	2	20.0	4	40.0
Washington	9	3	33.3	7	77.8	3	33.3	7	77.8	2	22.2	4	44.4
West Virginia	3	0	0	3	100.0	1	33.3	2	66.7	0	0	2	66.7
Wisconsin	12	2	16.7	10	83.3	6	50.0	9	75.0	3	25.0	3	25.0
Wyoming	1	0	0	0	0	0	0	1	100.0	0	0	1	100.0
U.S. Total	308	37	12.0	189	61.4	82	26.6	178	57.8	54	17.5	131	42.5

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

assistance. Many local governments reported performing this activity, although analysis of their comments in the ACIR/ICMA survey suggests that it is not a high priority item. About 47% of cities and 44% of counties in this 1978 survey reported such activity. Over half the manager cities and administrator counties provided this aid, as did a majority of cities and counties in the western United States.

The type of staff aid varied widely, according to the survey. The Littleton, CO, staff provides information to individuals and to city advisory committees in developing formal program recommendations for a preliminary budget hearing. Somerville, MA, has a citizen participation coordinator available each day for technical assistance in such matters as interpreting regulations and chairing citizen input meetings. Salem, OR, assigns five staff members to service 14 neighborhood organizations. Madison, WI, has a special projects office for inquiries and assistance for citizens or private/civic/service agencies whenever assistance is requested. Shelby County (Memphis, TN) sponsors and staffs communitywide citizen goal programs at the neighborhood level every year as the initial step in the budget process.

The City of San Diego adopted an elaborate procedure to encourage citizen participation in the budget process, although it does not directly involve staff aid to citizens. It included a ten-page newspaper (entitled *The Budget in Brief*) summarizing the proposed budget, its impact in laymen's terms, and summary of the distribution of revenue sharing funds. The newspaper is mailed to all citizens who indicate interest by returning a card enclosed with their water bill, and is also distributed through libraries, fire stations, and other points.[3]

Washington, DC, developed a major citizen participation effort for its executive budget process. The city was divided into nine service areas with weekly meetings to identify needs. A budget group grew out of the service area meetings and became involved with public improvements planned for its area. After initial work on the capital improvement program, the group developed (with staff aid) a questionnaire for residents and a review process for proposed capital improvements which feeds into the formal proposed budget. Citizen participation was substantially enhanced despite the inevitable disagreements over whether neighborhood priorities add up to citywide preferences.[4]

Many localities, however, responded to the 1978 survey by stating that citizen interest is weak. The City-County of Denver abolished the Mayor's Citizen Budget Committee ten years ago due to lack of interest, while Guilford County (Greensboro, NC) reported that citizen input sessions held by the budget office died for lack of interest.

Other responses indicated that providing assistance during the budget process is often informal at best. One indicated that "staff is always willing and available to explain the budget to advisory bodies, neighborhood associations, and individual citizens." A Florida city indicated that it "provides data and information upon request" and an Ohio municipality noted that it "would provide if requested." A California city noted that explanation is available on request, but goes on to amplify "...citizen participation may be high and result in a special appropriation for something. Involvement during the budget process is traditionally low."

Even when a city indicated that staff assistance is available, it was usually on request and without a formal mechanism such as San Diego or Washington, DC. Staffing existing citizen committees, in the opinion of many of the respondents to the ACIR/ICMA survey, meets any moral or legal requirements for aiding citizen involvement. They often do not see additional effort as necessary.

BUDGETS AND CITIZEN PARTICIPATION

Many localities are generally dubious about the effectiveness of citizen participation as manifested through the formal budget process. Most responses to the ACIR/ICMA survey indicated that the budget process is, at best, an imperfect means of eliciting citizen participation and, at worst, serves to institutionalize the demands of special interest groups. A California city commented that:

> ...although citizen participation is encouraged throughout the budget process, actual citizen involvement is usually experienced at the tail end of the decisionmaking cycle, or, in many cases, after decisions have actually been made. This appears to be attribut-

ed to the average citizen's noninterest in local decisionmaking until the actual impact of those decisions are felt.

A Maryland response indicated that:

> There is little difference between public hearings and regular meetings as to the participation of citizens. Citizens express their views to council in many ways and their views influence council's actions.

One city manager explained that:

> ... there has been little citizen participation during formal hearings. The participation actually occurs throughout the year as groups or neighborhood areas come before the council with special requests.... The mandated public hearings (revenue sharing), in our case, have not had any beneficial results in terms of citizen participation. Perhaps part of this is timing, because groups come up with ideas at different times of the year outside the budget review period.

A Massachusetts town's response highlighted the frustration many localities encounter when it noted that, while the town's Finance Committee holds regular meetings open to public participation to review the budget, citizens participate only on selective issues. "Genuine broad-interest citizen participation is difficult to find, or even muster, in this community. Only when a government decision directly affects a person or group is interest resulting in participation shown."

Probably the most common theme of local officials participating in the ACIR/ICMA poll was their perception of public hearings as a device used primarily by special interests. An Alabama city noted that:

> ... citizen participation could be a useful guide in formulating programs, however, it usually is the case that only minorities or special interest groups attend hearings for such programs. We, therefore, do not know what the majority of the citizens desire both low-moderate and other persons).

A southern California city cautioned that "citizen participation appears to be generally in the form of special interest groups and/or official city committees or commissions. Rarely do 'public hearings involve the general public'." This view is consistent with reservations of some members of Congress at the hearings held prior to the re-enactment of revenue sharing with formal participation requirements which include hearings. Then Senator William Brock (TN) voiced concerns about legislated mandates for hearings which almost place greater emphasis on the representation of special interests as opposed to the general or public interest.[5]

A few respondents were highly critical of public hearings. The Mayor of a small Illinois town wrote that:

> ... public hearings are a cancer that impedes proper management of public funds due to so called public need. In other words, public hearings do nothing but force public officials to spend more money than is necessary.

Another group of respondents were quite positive about public hearings and citizen participation. Texarkana, TX, reported that:

> Citizen participation has been working in Texarkana since its Model Cities designation, with a resultant sophistication of the neighborhood residents in their approach to problem solving, and their general acceptance of the idea of a city-citizen partnership. Neighborhood hearings are well attended and service complaints are freely proferred....
>
> Good public information programs (written reports and media presentations) are highly instrumental in achieving good citizen participation. More especially a willingness to meet in the neighborhoods on the citizens' time schedules is even more vital if meaningful communication and two-way exchange is to be achieved. In the months of September and October, when our budget hearings in neighborhoods and citizens' advisory committee meetings are held, our city staff averages three night meetings per week. The investment is great, but the results can be, too.

Scottsdale, AZ, noted that:

> Our city makes use of citizen participation throughout the year in workshops, seminars and forums—this increases their [citizens'] awareness of the budgeting process, provides elected officials with needed information. It may be that our year-round program has a direct result in the low attendance at budget hearings.

A final group of respondents were supportive of citizen participation, at least in principle, but were not sure that the local budget process was the place to attempt to maximize it. A Maine official stated:

> Government should be totally open, responsible to public inquiries and the press and people should be encouraged to participate, but requiring formal citizen participation processes sets up false and misleading standards. They will discourage people from participation rather than encourage them, since they will appear to promise more than can be delivered. They (formal citizen participation processes) become meaningless, superfluous formalities.

Likewise a New Jersey township manager commented on the difficulty of linking citizen participation to the budget process by noting that:

> I believe one aspect is the "intimidation of the process" in our formalized hearings. Additionally, the budget summaries that are presented provide too little interest even from astute observers. The documents themselves are not difficult but the maze of figures quickly dissolves the passing interest individuals have. The process is timed not to coincide with the receipt of tax bills; consequently, when people are most motivated to be mindful of fiscal matters (when their new assessments and tax bills are fresh) the annual process is in the middle of the fiscal year.

TOWN MEETINGS

The ACIR/ICMA survey supports the generally held view that the most meaningful opportunity for citizen participation in fiscal decisionmaking may be provided by the town meeting. These annual assemblies were adopted in the early New England colonies and states as the basic process of community government, at which citizens themselves were made responsible for adopting a budget, electing public officials, and deciding other local affairs.

> The original government of the New England town approached that of a pure democracy. The ultimate and actual working sovereignty—under the law of the state—was vested in the body of adult male citizens qualified to vote in town meeting. Here the needs of the town were debated and voted on, the budget was adopted and taxes levied, and the administrative officers were elected and their work passed in review before the voters. . . . A great deal of praise has been heaped upon town government, and much of it has been deserved. It inculcated a feeling for public affairs in ten generations of citizens; it gave thousands of men a valuable training by affording them the opportunity to rule as well as be ruled; and it nourished a sense of loyalty to the town which, though it might be regarded as merely parochial, was nevertheless a stabilizing force of great social value.[6]

Towns (the New England term) and townships (used in the midwest) are now found in portions of 20 states.[7] These include the six New England states where the system originated and other states, principally in the middle Atlantic and midwestern regions, which were settled initially by a "Yankee" population. Most of the 16,822 organized township governments have small populations—80% have less than 2,500 residents—but, depending upon state law and traditions, townships may serve both urban and rural areas.[8] Those in New England, New Jersey, and Pennsylvania, and to some degree in Michigan, New York, and Wisconsin, provide an extensive range of local governmental services, including those normally associated with municipalities and counties in other parts of the nation. In New England, towns also are responsible for local schools. In contrast, the townships found in much of the midwest provide a very limited range of services for predominantly rural areas.[9]

Given these differences in functional responsibility, the political significance—and attractiveness—of participation in township affairs does vary substantially. Attendance at township meetings in many of the midwestern states is very slight, in keeping with limited public business to be transacted, and frequently is confined to the officeholders themselves.[10]

Like any citizen participation practice, the town meeting has disadvantages and advantages, critics as well as proponents. The adequacy of this approach was questioned increasingly in the more urbanized areas as government activities grew. One Maine critic in 1916 complained of the inability of the assembled citizenry to assess fully costs and benefits and overall town needs.[11] With rising populations, many communities did modify traditional procedures. Some instituted the limited or representative town meeting in which a large body of elected representatives actually determined policy; others employed an appointed or elected finance committee to prepare the budget, though this was still adopted at the annual meeting; others have adopted the manager system. Still, especially in rural areas, the traditional forms do persist.

Survey responses to the ACIR/ICMA questionnaire indicate that citizen participation in town meetings is considerably higher than is common under other governmental forms (Mayor-council, council-manager, or commission). Of 29 communities responding, 86% reported "a great deal" or a "moderate amount" of citizen participation in the local budget process. (In comparison, just 49% of the council-manager communities—the next highest group—fell into these categories.)

These assessments are borne out by the reports of attendance at budget hearings. In the 21 towns holding combined hearings on revenue sharing and the regular budget, the average number of citizens in attendance was 231. (In the council-manager communities, average participation was just 27). Somewhat lower—but still comparatively high—turnout was indicated for separate hearings on revenue sharing (58) and the local budget (118).

Furthermore, according to the survey responses, citizen participation was judged to be quite meaningful. Town meeting communities reported more frequent changes in the budget process because of citizen participation, indicated that citizen controversies over the allocation of funds were far more frequent, and were somewhat more likely to say that "citizens attend hearings because of genuine interest in the entire budget process." Few of these communities, however, reported an increase in citizen participation because of the revenue sharing program.

Towns employing the representative town meeting form also experienced a somewhat higher level of participation in the budgetary process than was common under other forms of government, but the differences were less striking. For instance, the number of participants at combined hearings on the local budget and revenue sharing averaged 78.

STATE BUDGETARY PRACTICES

Chapter 4 dealt with state budgetary practices as they are affected by the new federal revenue sharing participation requirements. This section will examine some of the formal parameters of the state budget process, involving such things as the use of hearings, distribution of the budget document, new innovations in state budgetary processes, and so on.

State budget periods generally begin on July 1 and run for one year, although there are many exceptions. Three major variations are involved in the budget period: annual budgets, biennial budgets, and biennial budgets with some annual review of selected areas or supplemental appropriations. Annual review in biennial budgets takes almost as much time as annual budgets. The present trend is toward annual budgets, although two-year budgets now are sometimes seen as permitting longer range planning.

One state, Hawaii, switched back to biennial budgets after several years of annual budgeting. Annual budgets permit sharper revenue estimates and quicker adjustments to changed economic trends, while biennial budgets force longer range planning and save the time of staff, the executive, and the legislature which would be spent on annual reviews.

Table 5-8 indicates that 29 of the 50 states have annual budgets. In general, larger states tend to use annual budgets, with the exceptions of Texas and Ohio. However, Texas frequently has made annual appropriations since 1970.

Among states that have biennial budgets, Wyoming has an annual review of biennial budgets, while Georgia, despite constitutional

Table 5-8

STATE LEGISLATIVE BUDGET PERIODS

State	Budgets Annual	Budgets Biennial	State	Budgets Annual	Budgets Biennial
Alabama		X	**Nebraska**	X	
Alaska	X		**Nevada**		X
Arizona	X		**New Hampshire**		X
Arkansas		X	**New Jersey**	X	
California	X		**New Mexico**	X	
Colorado	X		**New York**	X	
Connecticut	X		**North Carolina**		X[4]
Delaware	X		**North Dakota**		X
Florida	X		**Ohio**		X
Georgia		X[1]	**Oklahoma**	X	
Hawaii		X	**Oregon**		X
Idaho	X		**Pennsylvania**	X	
Illinois	X		**Rhode Island**	X	
Indiana		X[2]	**South Carolina**	X	
Iowa		X[3]	**South Dakota**	X	
Kansas	X		**Tennessee**	X	
Kentucky		X	**Texas**		X[5]
Louisiana	X		**Utah**	X	
Maine		X	**Vermont**	X	
Maryland	X		**Virginia**		X
Massachusetts	X		**Washington**		X
Michigan	X		**West Virginia**	X	
Minnesota		X	**Wisconsin**		X[6]
Mississippi	X		**Wyoming**		X[7]
Missouri	X				
Montana		X	**Total**	29	21

[1] **Georgia:** Constitution requires biennial appropriations—however, it is not annual.

[2] **Indiana:** With annual updates optional.

[3] **Iowa:** May be amended in second year.

[4] **North Carolina:** Normally sessions and budgets are as shown. Had experimental annual session in 1974, resulting in annual budgets for 1973-74 and for 1974-75. Decisions on annual vs. biennial sessions and budgets will probably be made in 1975.

[5] **Texas:** In four of the last six years, appropriations have been made for one year.

[6] **Wisconsin:** With annual review.

[7] **Wyoming:** With annual review.

SOURCE: Council of State Governments, *State Legislative Appropriations Process,* Lexington, KY, Council of State Governments, 1975, p. 57.

requirements, makes annual appropriations. Indiana updates its budget annually, while Iowa's can be amended in the second year. North Carolina also has recently experimented with annual budgets. The movement toward annual budgets, if there were substantial opportunities for citizen involvement, would increase the chances for citizen participation to affect state budget practice.

In many states, the executive budget has some public hearing, either by law or at the Governor's discretion. *Table 5-9* indicates formal legislative involvement in the executive budget hearing process, and by inference indicates the number of those hearings. A total of 17 states, approximately a third, hold such hearings. With the exceptions of New York and Texas, most of these states are not particularly populous. Connecticut has not held executive budget hearings in recent years, while in New York the hearings are not public but held with agency heads, as constitutionally provided. The hearings are often aimed at agencies or the legislature, not the general public.

Table 5-9

FORMAL STATE LEGISLATIVE INVOLVEMENT IN PUBLIC HEARINGS ON THE EXECUTIVE BUDGET

State	Actors: Legislators	Actors: Fiscal Staff	Degree of Involvement: Attendance Only	Degree of Involvement: Participation
Alabama				
Alaska				
Arizona				
Arkansas				
California				
Colorado				
Connecticut	[1]			
Delaware	X	X		X
Florida				
Georgia				
Hawaii				
Idaho				
Illinois				
Indiana	X			X
Iowa		X	X	
Kansas	X			
Kentucky				X
Louisiana	X	X		
Maine				X
Maryland				
Massachusetts				
Michigan		X	X	
Minnesota		X		X
Mississippi	[2]			X
Missouri				
Montana				
Nebraska				
Nevada		X		X
New Hampshire	X	X	X	
New Jersey	X	X	X	
New Mexico				
New York	X	X		X[3]
North Carolina	[2]			X
North Dakota		X		X
Ohio				
Oklahoma		X		X
Oregon				
Pennsylvania				
Rhode Island	X			
South Carolina	[2]			X
South Dakota		X		X
Tennessee	X	X		X
Texas	X	X		X
Utah				
Vermont		X		
Virginia	X	X		X
Washington				
West Virginia				
Wisconsin	X	X[4]		X
Wyoming				
Total	15	17	4	17

[1] **Connecticut:** No executive budget hearings held in recent years.

[2] Budget is developed by a board composed of both legislative and executive members.

[3] **New York:** The Governor does not hold public hearings. However, the constitution requires that he hold formal hearings with agency heads. The legislature's attendance at these hearings is authorized by the constitution. While participation by the legislature is not prohibited, the level is subdued with the more prominent questioning being conducted by the executive budget director.

[4] **Wisconsin:** Fiscal staff attends but does not participate.

SOURCE: Council of State Governments, *State Legislative Appropriations Process,* Lexington, KY, Council of State Governments, 1975, p. 73.

Formally, there is more opportunity for citizen impact on the proposed budget after the Governor presents it to the legislature. Of the 50 states, 37 indicate that individual citizens from the general public usually appear before appropriation and revenue committees. *Table 5-10* provides the breakdown. Private organizations usually appear in 44 states. Agency heads, whose budgets are being considered, appear in every state, while the executive budget staff (who

Table 5-10

REPRESENTATIVES USUALLY APPEARING BEFORE STATE LEGISLATIVE APPROPRIATIONS AND REVENUE COMMITTEES

State	Agency Officials	Executive Budget Staff	Department of Revenue	Fiscal Staff	Other Legislative Staff	Private Organizations	General Public
Alabama	X	X	X			X	X
Alaska	X	X	X	X	X	X	X
Arizona	X	X		X	X	X	X
Arkansas	X	X		X		X	X
California	X	X	X	X		X	X
Colorado	X	X	X			X	X
Connecticut	X	X	X	X		X	X
Delaware	X	X	X	X		X	
Florida	X	X	X	X	X	X	X
Georgia	X	X	X	X			
Hawaii	X	X	X			X	X
Idaho	X	X		X		X[1]	
Illinois	X	X				X	X
Indiana	X	X	X	X	X	X	X
Iowa	X	X	X	X	X	X	X
Kansas	X	X	X[2]	X	X	X	
Kentucky	X	X	X				X
Louisiana	X	X	X	X		X	X
Maine	X		X	X		X	X
Maryland	X	X	X	X	X	X	X
Massachusetts	X	X	X			X	X
Michigan	X	X	X	X	X[1]	X	X[1]
Minnesota	X	X	X	X	X	X	X
Mississippi	X	X	X	X		X	
Missouri	X	X	X	X	X	X	X

Montana	X	X	X				
Nebraska	X	X	X	X		X	X
Nevada	X	X	X	X	X	X	X
New Hampshire	X	X	X	X	X	X	X
New Jersey	X	X		X		X	X
New Mexico	X	X	X	X		X	X
New York	X			X			X
North Carolina	X	X	X	X		X	X
North Dakota	X	X	X	X		X	
Ohio	X	X	X	X	X	X	X
Oklahoma	X						
Oregon	X	X		X		X	
Pennsylvania	X	X	X			X	
Rhode Island	X	X		X	X		
South Carolina	X	X	X		X		
South Dakota	X	X		X	X	X	X
Tennessee	X	X	X	X	X	X	X
Texas	X	X	X	X		X	X
Utah	X			X		X	
Vermont	X					X	X
Virginia	X	X		X		X	X
Washington	X	X	X	X	X	X	X
West Virginia	X			X		X	X
Wisconsin	X	X	X	X		X	X
Wyoming	X	X				X	
Total	50	44	35	38	18	44	37

[1] Occasionally.
[2] On request.

SOURCE: Council of State Governments, *State Legislative Appropriations Process,* Lexington, KY, Council of State Governments, 1975, p. 87.

Table 5-11
DISTRIBUTION OF THE STATE BUDGET DOCUMENT

To Whom Are Copies of the Budget Document Distributed?

State	Budget Agency Staff	Members of Legislature	State Agencies		Members of the News Media	Other
			All	Some		
Alabama						
Alaska	X	all	X		X	State librarians, political subdivisions.
Arizona	X	all		X	X	Other state budget offices.
Arkansas	X	all	X		X	
California	X	all	X		X	All interested persons may purchase at cost.
Colorado						
Connecticut	X	all	X		X	
Delaware	X	all	X		X	Other states, libraries, financial institutions, colleges.
Florida	X	all	X		X	To each state, state library, state university, others on request.
Georgia	X	all	X		X	Education institutions.
Hawaii	X	all	X		X	
Idaho	X	all	X		X	Upon request.
Illinois	X	all	X		X	Anyone who requests, major interest groups.
Indiana		all	X		X	Any interested person.
Iowa	X	all	X		X	All other states.
Kansas	X	all	X		X	Libraries, budget agencies of other states.
Kentucky	X	all	X		X	Interested citizens and groups on request.
Louisiana	X	all		X	X	Other states.
Maine	X	all		X	X	As requested within available supply.
Maryland	X	all	X		X	Libraries.
Massachusetts	X	all	X		X	Other states.
Michigan	X	all	X		X	State library—75 copies.
Minnesota						
Mississippi	X	all	X		X	
Missouri	X	all	X		X	Public—as requested.
Montana	X	all	X			State and national libraries.
Nebraska	X	all	X		X	State publications clearinghouse, anyone upon request.
Nevada	X	all		X	X	Libraries, other states.

helped develop the proposed budget) appear in 44 states. There is no report on how many or how often (other than "usually") the public actually appears. Since state capitols are far from most citizens, group representation would be most typical of citizen influence or impact.

Citizen participation involves more than mere appearances at hearings. It implies the ability to review the budget document as it is proposed and/or adopted, and to have a document which outlines the major policy and financial implications therein. *Table* 5-11 indicates the distribution of the final budget document. Forty-four states provide copies automatically to the news media, about the same number as make them available to the budget agency staff. Five states

Table 5-11 (cont.)

DISTRIBUTION OF THE STATE BUDGET DOCUMENT

To Whom Are Copies of the Budget Document Distributed?

State	Budget Agency Staff	Members of Legislature	State Agencies All	State Agencies Some	Members of the News Media	Other
New Hampshire	X	all	X		X	Anyone requesting as long as supply lasts.
New Jersey	X	all	X		X	Public and college (university) libraries.
New Mexico	X	all		X	X	Libraries, other states, budget agencies, etc.
New York	X	all	X		X	Libraries, some other states.
North Carolina	X	all	X		X	Libraries, certain associations, Representatives, county commissioners, etc.
North Dakota						
Ohio	X	all	X		X	The public upon request.
Oklahoma	X	all		X	X	Anyone who desires a copy.
Oregon	X	all	X		X	State budget officers of other states.
Pennsylvania	X	all	X		X	Other states, private agencies, and others who request a copy.
Rhode Island	X	all	X		X	Libraries, chambers of commerce, other state budget officers, etc.
South Carolina	X	all	X		X	Libraries, other states, on an exchange basis.
South Dakota	X	all	X		X	College libraries and all 50 states.
Tennessee	X	all	X		X	Other state governments and selected libraries.
Texas	X	all	X		X	
Utah	X	all	X		X	Libraries, research agencies, other states upon request.
Vermont	X	all	X		X	Major universities, state libraries, other state governments.
Virginia	X	all	X		X	Some libraries.
Virgin Islands	X	all	X		X	
Washington	X	all	X			State library and other libraries.
West Virginia						
Wisconsin	X	all	X		X	Others at budget sections.
Wyoming	X	all		X	X	Other states and libraries in Wyoming.
Total	45	46	39	7	44	40

(Alabama, Colorado, Minnesota, North Dakota, and West Virginia) apparently make little effort to publicize the budget document. Many others (such as Ohio, Oklahoma, Nebraska, Idaho, New Hampshire, and Missouri) send it to interested parties. In California, copies of the budget can be purchased.

While the budget document itself is important, equally important is some assessment of what is in it. Some states, such as Illinois, have a program type of budget which highlights the spending and performance estimates for each agency.

Table 5-12 indicates the content of fiscal impact notes that are required in the state's budget. The vast majority, 44 of 50, stipulate the current cost involved, but only 41 of those

Table 5-12

CONTENT OF STATE FISCAL NOTES

State	Intent/ Purpose of Bill	Cost Involved	Projected Future Cost	Proposed Source of Revenue	Other
Alabama		X		X	
Alaska		X	X	X	
Arizona					X[1]
Arkansas					
California	X	X	X	X	
Colorado	X	X	X	X	
Connecticut	X	X	X	X	
Delaware		X	X		X[2]
Florida	X	X	X	X	X[3]
Georgia		X	X	X	
Hawaii	X	X	X	X	X[4]
Idaho	X	X	X	X[5]	
Illinois	X	X	X	X	
Indiana	X	X	X	X	
Iowa		X	X	X	
Kansas	X	X	X	X	
Kentucky					X[6]
Louisiana	X	X	X	X	
Maine		X	X		
Maryland	X	X	X	X	
Massachusetts		X			
Michigan	X	X	X	X	
Minnesota		X	X	X	
Mississippi		X	X		
Missouri		X	X	X	
Montana	X	X	X	X	
Nebraska		X	X	X	X[7]
Nevada	X	X	X	X	
New Hampshire	X	X	X		
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X	X			
North Carolina	X	X	X	X	
North Dakota	X	X	X[8]	X	
Ohio	X	X	X	X	
Oklahoma					X[9]
Oregon		X	X	X	
Pennsylvania	X	X	X		
Rhode Island		X	X		
South Carolina					
South Dakota		X	X	X	
Tennessee		X	X		
Texas		X	X		
Utah		X	X	X	X[10]
Vermont		X	X		
Virginia		X	X	X	
Washington	X	X	X	X	
West Virginia	X	X	X	X	
Wisconsin		X	X	X	
Wyoming					
Total	24	44	41	31	8

[1] **Arizona:** No formal fiscal note. Staff reports by memo on impact of fiscal bill.
[2] **Delaware:** Relevant data and prior fiscal year cost information.
[3] **Florida:** Mechanical defects and effective date.
[4] **Hawaii:** No standard format—may include one or all.
[5] **Idaho:** Occasionally.
[6] **Kentucky:** Staff reports are prepared in lieu of fiscal note.
[7] **Nebraska:** Rationale to support the bill.
[8] **North Dakota:** A two-year projection is included.
[9] **Oklahoma:** (a) Recent appropriations for same program or agency; (b) agency request and justification; (c) executive recommendation; (d) conference notes; (e) summary of bill's progress through legislature.
[10] **Utah:** Goal and planning analysis prepared by legislative council staff.

SOURCE: Council of State Governments, *State Legislative Appropriations Process*, Lexington, KY, Council of State Governments, 1975, p. 103.

highlight the future projected cost, while only 31 show the proposed source of revenue, and even fewer (24) indicate the intent or purpose of the bill. Some of these fiscal notes are not clearly visible to the public. Idaho only occasionally reports the source of revenue, while Kentucky and Arizona prepare or act on a staff report rather than a formal statement.

Four states have adopted economic impact statements procedures.[12] California provides that the legislative analyst for the rules committee of either house is responsible for obtaining information showing the effect on employment, the costs of goods and services, and general economic impact. Florida law mandates that agency staff publish a statement with the proposed bill which provides information on costs to all persons involved and to the agency, and also assesses the social and economic benefits. Illinois requires impact statements from the Pollution Control Board on all proposed rules and regulations. Washington requires impact information on bills relating to local school districts.

In addition to these four states, some legislatures (notably Nevada's and Wisconsin's) require bills to include predictions of their impact on local government revenues. Vermont, Hawaii, and Maryland also use formal capital improvement plans which outline long-range plans for major expenditure items and increase the opportunity for citizen awareness and comment.[13]

Despite the aforementioned examples, most states do not emphasize budgeting mechanisms which would maximize citizen participation. Common Cause has a state budget program which places emphasis on two reforms involving citizen participation:

1) a chance for meaningful public participation in the early stages of executive budget formulation, and

2) executive budget documents should contain detailed information about alternatives that allow people outside each agency to make meaningful choices of budget priorities.[14]

Common Cause cites two states as examples of meeting each of these reforms. Massachusetts, since 1974, has required the secretaries of departments to hold public hearings on detailed budget requests prepared by agency heads, with the Governor's proposed budget showing the agency's request and explaining any different figure. Wisconsin has a program type of budget which organizes agency budgets into functional areas, with brief statements of each program's purpose within the broader functional area.

In general, state practices are not geared toward eliciting substantial citizen participation in the formulation of state budgets. Some of the reasons are historical, revolving around the methods by which legislators and other elected public officials seek citizen support and obtain public feedback. These do not lend themselves easily to a formal hearing or advisory committee structure. In addition, and perhaps more importantly, the geographic size and population dispersion of many states makes formal public information and opinion gathering difficult to pursue effectively.

DIRECT ELECTORAL CONTROLS OVER FISCAL ACTIVITY

State Constitutional and Statutory Initiatives and Referenda[15]

The initiative and referendum are political institutions which place direct control over the outcomes of governmental decisions in the hands of citizens. They are called forms of "direct democracy" to contrast them with the devices of a representative system, whereby the voter merely selects his or her representatives.[16] Some include the recall as part of the direct democracy package, but the recall does not change the role of citizens directly, or strictly speaking, influence legislation.

The initiative and referendum, of course, date back to the Progressive Era (1900-20) but, were not new even at that time. They had existed in one form or another since the nation's founding. While early 19th century legislatures made ordinary law by statute, voters through referenda even then approved constitutional provisions and sometimes could initiate constitutional conventions. Indeed they could, and sometimes did, write statute law into constitutions by making detailed provisions in the constitutional conventions, which were then ratified by popular vote. William Munro notes that even the 18th century constitutions of Massachusetts, Pennsylvania, and New Hampshire provided for citizen authority to instruct their representatives in the state legislature.[17] However, the application of the initiative and referendum to localities, and their widespread use in many new states, was a substantial expansion if not a minor political revolution in the period 1900-20.

Use of the initiative and referendum was advocated for two basic purposes. Some Progressives wanted to restore power to the people by reestablishing their right to self-government.

Table 5-13

STATES WITH DIRECT DEMOCRACY PROVISIONS, 1976

State	Constitutional Initiative	Statutory Initiative		Statutory Referendum	
		State	Localities	State	Localities
Alabama					
Alaska		X	X	X	X
Arizona	X	X	X	X	X
Arkansas	X	X	X	X	X
California	X	X	X	X	X
Colorado	X	X	X	X	X
Connecticut					
Delaware					
Florida	X			X	X
Georgia			X	X	X
Hawaii					
Idaho		X	X	X	X
Illinois	X			X	X
Indiana					
Iowa				X	X
Kansas				X	X
Kentucky			X	X	X
Louisiana			X		
Maine		X	X	X	X
Maryland				X	X
Massachusetts	X	X	X	X	X
Michigan	X	X	X	X	X
Minnesota			X		X
Mississippi					
Missouri	X	X	X	X	X
Montana	X	X	X	X	X
Nebraska	X	X	X	X	X
Nevada	X	X	X	X	X
New Hampshire				X	
New Jersey			X	X	X
New Mexico				X	
New York				X	
North Carolina				X	
North Dakota	X	X	X	X	X
Ohio	X	X	X	X	X
Oklahoma	X	X	X	X	X
Oregon	X	X	X	X	X
Pennsylvania			X	X	X
Rhode Island				X	X
South Carolina			X	X	X
South Dakota	X	X	X	X	X
Tennessee					
Texas			X		X
Utah		X	X	X	X
Vermont			X	X	X
Virginia			X	X	X
Washington		X	X	X	X
West Virginia			X		X
Wisconsin				X	X
Wyoming		X	X	X	X
Total	17	21	32	39	38

SOURCE: Council of State Governments, *Book of the States, 1976-77*, Lexington, KY, Council of State Governments, 1976, pp. 176, 216-8.

This tended often to be crude "antilegislative" antagonism. Others wanted to reestablish representative government by making legislatures more responsive to the will of the people. This was aimed more at "reform" than the former. Many thought that the people would not have to act often, but the threat of direct action would eliminate log rolling, political bosses and "ripper" legislation or wholesale granting of franchises. In turn, this would encourage high minded and uncorrupted individuals to enter legislatures.

Three separate types of issues can be settled through the initiative and referendum process. The constitutional amendment procedure by initiative exists in 17 states.[16] Any item, including fiscal matters such as tax exemptions for groups or individuals, can be proposed for the voters to ratify. The requirements for signatures of the petition range from 20,000 in North Dakota and 3% of the recent gubernatorial vote in Massachusetts, to 15% of the largest number of votes for a state officer at the last general election in Wyoming. Eight percent of the previous gubernatorial vote is a common figure. Some states require a distribution of signatures among counties or legislative districts. A majority of electors casting ballots on the initiative is generally sufficient to pass it. In states without this type of initiative, only constitutional conventions (which must be approved by the voters in all states but Delaware) can amend the constitution. See *Table 5-13* for the states which permit each kind of direct democracy.

The traditional initiatives at the state level involve statutory law and are of two kinds. Direct initiatives used in 13 states place measures immediately before the electorate. Indirect types in five states are sent to the legislature for action first and then go onto the ballot if no action takes place. Three states use both types. In addition to these 21 states, all of which have local initiative procedures, 11 more have the initiative procedure at the local level only. Thus 32 of the states (nearly two-thirds) have some experience with the initiative.

The referendum exists in some form in 42 of the 50 states. In 39 states, statutory enactments are subject to, or may be subject to, popular ratification. In 23 cases, citizens may petition directly and force the matter to a vote. In 16 states, the legislature may refer a matter to the voters and/or the constitution may require that certain matters (i.e., the authorization of debt) be settled by a popular vote. In general, the number of petitioners required for a referendum ranges from 7,000 voters in South Dakota and 3% of the votes last cast for Governor in Massachusett's to Wyoming's requirement for 15% of those voting in the last election distributed among two-thirds of the counties. Of these 39 states, 35 also have some referenda provisions available to some or all local units of government. Three additional states without state referenda laws do have a referenda procedure for their localities, for a total of 42 states with some experience. With few exceptions, a majority vote is required for approval.

There are 15 states which have all five of these popular procedures, constitutional initiative, statutory initiative at the state and local levels, and statutory referendum at the state and local levels. These "fully participatory" states are Arizona, Arkansas, California, Colorado, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, and South Dakota.

ACTUAL EXPERIENCE

In general, citizen initiatives, whether constitutional or statutory, have not been well received by the voters in recent years.[19] *State Government News* reporting voter approvals in 1972 and 1976 November balloting, indicated that only about a quarter of citizen-initiated measures got a favorable vote. In 1972, seven of 26 petition initiatives were approved, while ten of 39 were approved in 1976, for a total of 17 out of 65. Of these 65 elections, about half, or 34, involved fiscal matters, and nine of them passed—approximately the overall ratio. Most fiscal initiatives were designed to reduce state expenditures rather than to establish new taxes or bond issues, indicating a stronger antispending mood among initiative sponsors.

One noted initiative defeated was the 1972 Watson initiative in California, which would have limited state expenditures to a declining share of personal income taxes, limited property taxes, and reduced income taxes. Favored by Governor Ronald Reagan, it only received 44% of all votes cast. Colorado voted down an initiative in 1976 which would have repealed the sales tax on food and instituted a mineral severance tax and higher corporate taxes. It also voted down another proposal to require voter approval before state or local governments could raise taxes or initiate new ones. In the same year, Montana defeated an initiative to limit state spending until 1983 and to reduce by 15% a year the amount of federal funds the state could receive until it reached zero in 1984. In 1972, Michigan turned down a property tax limit for school financing to be replaced by state funds, and Oregon likewise denied an initiative to prohibit property tax levies for school operating expenses.

These initiatives were concentrated in a few states. Four states had over half of the total—Colorado with 13, California with ten, plus Oregon and Michigan with seven each.

One of the most recent fiscal initiatives, of course, is Proposition 13 in California and its impact appears to be enormous. Passed in June

1978, it limits property taxes to 1% of assessed value, limits yearly increases in assessments to 2%, rolls back assessments to the 1975-76 level, and makes it difficult to select or increase alternative taxes to replace property tax revenues. The enactment of this initiative, approved by 65% of the electorate, spurred attempts by citizens and legislative bodies in other states to adopt measures with similar objectives. In November 1978, 13 states had such measures on their ballots. These were Arizona, Colorado, Hawaii, Idaho, Illinois, Massachusetts, Michigan, Missouri, Nebraska, Nevada, North Dakota, Oregon, and Texas.

Despite Proposition 13 and parallel efforts elsewhere, popular initiative generally does not guarantee widespread support. Why? First, the initiative and petition route is a mass effort which can be concentrated in certain areas by interests or groups with energy and money, achieving the 5% to 15% of the last gubernatorial vote necessary to place the matter on the ballot. This, however, is no assurance of widespread support, particularly since many people will sign petitions without any commitment even to vote for the proposal. Second, many of the defeated proposals threatened the existence of established programs by drastic curtailment of taxes. Substantial debate, on both sides of the issue, plus whatever influence public officials had over voters, no doubt led to the defeat of many fiscal initiatives.

Constitutional initiatives, as compared to statutory proposals, have not fared much better.[20] Ten of 31 in a four-year period between 1972 and 1975 were adopted—about one-third. Colorado, which adopted four of seven, including one which prohibited funding the 1976 Olympics and Ohio, which voted down all eight proposals, considered the most proposals. A total of 13 states considered constitutional initiatives, and seven adopted one or more.

Legislative proposals do much better than citizen initiatives. In the six years from 1970 through 1975, state legislatures proposed 1,221 constitutional changes or other measures of statewide applicability. A total of 823 or 67% were approved. Only 14 of 30 proposals from constitutional conventions were adopted by the voters, and only 12 of 34 initiated by the voters themselves. *Tables 5-14 and 5-15* provide a detailed breakdown. Of these issues, 251 or about

Table 5-14

STATE CONSTITUTIONAL CHANGES, BY METHOD OF INITIATION, 1970-71, 1972-73, 1974-75

Method of Initiation	Number of States Involved			Total Proposals			Total Adopted			Percentage Adopted		
	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75
All Methods	48	47	48	403	530	352	224	368	257	55.6 %	69.4 %	73.0 %
Legislative Proposal	47	46	47	392	497	332	222	356	245	56.6	71.6	73.8
Constitutional Initiative	4	7	7	5	16	13	1	3	8	20.0	18.8	61.5
Constitutional Convention	2	4	2	6	17	7	1	9	4	16.7	52.9	57.1

SOURCE: Council of State Governments, *Book of the States, 1976-77,* Lexington, KY, Council of State Governments, 1976, p. 165.

Table 5-15

SUBSTANTIVE CHANGES IN STATE CONSTITUTIONS PROPOSED AND ADOPTED, 1970-71, 1972-73, 1974-75

Subject Matter	Total Proposed			Total Adopted			Percentage Adopted		
	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75	1970-71	1972-73	1974-75
Proposals of Statewide Applicability	300	389	253	176	275	172	58.2%	70.7%	67.9%
Bill of Rights	13	26	9	11	22	6	84.6	84.6	66.7
Suffrage and Elections	39	34	23	23	24	20	59.0	70.6	86.9
Legislative Branch	42	46	40	19	25	27	45.2	54.3	67.5
Executive Branch	27	36	34	22	25	20	81.5	69.4	58.8
Judicial Branch	17	35	20	11	26	19	64.7	74.3	95.0
Local Government	21	30	13	15	23	12	71.4	76.7	92.3
Taxation and Finance	50	85	49	29	56	33	58.0	65.9	67.3
State and Local Debt	25	24	18	10	15	6	40.0	62.5	33.3
State Functions	46	40	23	26	36	16	56.5	90.0	69.6
Amendment and Revision	13	19	8	7	12	7	53.8	63.1	87.5
General Revision Proposals	7	2	12	3	1	3	42.9	50.0	25.0
Miscellaneous Provisions	—	12	4	—	10	3	—	83.3	75.0
Local Amendments	103	141	99	48	93	85	46.6	65.9	85.9

SOURCE: Council of State Governments, *Book of the States, 1976-77*, Lexington, KY, Council of State Governments, 1976, p. 165.

a fifth, dealt with taxation (184) or with state and local debt (67). Of the 251, 149 (59%) were approved. The enactment rate here was slightly lower than the overall rate of 67%.

Limitations on local government taxes and expenditures often can be exceeded only by popular referendum, thus providing a direct citizen control mechanism. In most cases, these limits are attached to the property tax because property normally yields the majority of local revenue from own sources. Many of the limitations date back to the period between 1870 and 1940, and were an attempt to restrain expenditures of local units during recessions—especially the 1930s Depression.[21] Property tax rate and levy limits, then, affect localities more than states, since states do not rely generally on property taxes.

252 The most widely used restriction on local governments takes the form of a limit on the maximum allowable property tax rate. Thirty-seven states have property tax rate limitations, with about two-thirds (27) having some provision for local referenda to exceed the allowable rate. Seventeen states authorize voter override referenda for all types of local government, six authorize voter override referenda in certain functional areas such as education, and three others authorize only certain types of local government other than school districts to submit such increases to the voters.[22]

Ten states now impose a levy limitation on one or more types of local government. This form of limitation means that a local government is restricted to approximately the same amount of revenue from the property tax in the current year as it received in the past year. Levy limitations relate to both the tax base and the tax rate. Provision for voter override is provided in most states imposing this type of limit.[23] An analysis of recent levy limitations suggests that they exert an influence on the growth of local property tax revenues in a state, although they do not seem to exert much effect on state-local expenditures in the aggregate.

Local tax rate limitations often caused at least temporary difficulties to local units, and sometimes were disastrous in their immediate impact. Services were cut and employees laid off. Therefore, in those units where voter referendums could ease the limit, citizens had almost life and death control over the local jurisdiction. They often rejected proposals. ACIR's 1962 recommendations, among others, called for (1) provision for state agency administrative relief and voter relief if limitations should be imposed (the Commission generally opposes such limits), and indicated that (2) the electorate should always have the authority to initiate by petition a vote on proposals to exceed prescribed tax limitations.[24]

Usually a simple majority of voters is required for approval, although at least four states require 55% or more of the voters to ratify the additional levy, and in two other states as much as two thirds of the voters must approve certain kinds of levies.

Table 5-16 provides some information about local tax limit referenda, as reported in the ACIR/ICMA survey. About 35% of both municipalities and counties reported attempting to obtain voter approval for tax limit changes. Two-hundred-sixty-one individual municipal issues were considered by voters in 203 municipalities during the three-year period, of which 132 passed—a rate of 51%. This is lower than the county passage rate of 60%, based on approval of 28 issues out of 47 put to a vote in 25 counties. The total rate of approved issues per reporting unit of government was similar at 28% of counties (28 approved issues from 100 reporting counties) and 26% for municipalities (132/502). Nearly 20% of municipal and 25% of county referenda were initiated by citizen action.

BOND AUTHORIZATIONS

States

Even in a period of strong voter opposition to bond elections, states have done reasonably well when they have chosen to put measures on the ballot. An examination of the issues reported in *State Government News* indicates that in the fall elections for five years from 1972 to 1976, 97 issues were voted upon and 60 were approved, an approval rate of 62%. Only 17 states chose to put issues before the voters, and many only went to the polls once in this period. On the other hand, Alaska voters approved 15 of 18 issues. New Jersey and Rhode Island also tried over ten times, with the former receiving assent five out of 13 attempts and the latter nine of 15 times. There was a tendency for these three states to put up a large number of issues at a few elections.

Table 5-16

TAX REFERENDA IN MUNICIPALITIES AND COUNTIES DURING 1975-77

	1975	1976	1977	Total
502 Municipalities Reporting Voter Approval Required for Tax Limit Changes				
(35.4% of reporting cities)				
Municipalities Holding Elections	59	74	70	203
Total Issues	71	96	94	261
Passed	32(45%)	54(56%)	46(49%)	132(51%)
Issues Due to Citizen Initiatives[1]	12	9	23	44
100 Counties Reporting Voter Approval Required for Tax Limit Changes				
(35.8% of reporting counties)				
Counties Holding Elections	6	11	8	25
Total Issues	13	25	9	47
Total Passed	4(31%)	17(68%)	7(78%)	28(60%)
Issues Due to Citizen Initiatives[1]	2	4	3	9

[1] Issues due to citizen initiative included in total issues.

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-17

NOVEMBER 1956 BOND REFERENDA IN ALASKA, NEW JERSEY, AND RHODE ISLAND

Purpose	Amount (in millions)	Alaska Pass	Alaska Fail	New Jersey Pass	New Jersey Fail	Rhode Island Pass	Rhode Island Fail
Rural Schools	$ 59.0	X					
Educational Facilities	12.7						X
Senior Citizen Housing	7.5	X					
Housing	25.0			X			
Water Supply, Pollution Control	120.0			X			
Mental Health, Others	80.0			X			
Mental Health and Hospitals	14.7					X	
Firefighting Training Facilities	7.1	X					
Firefighting Training Facilities	1.0						X
Justice, Correctional Facilities	10.6		X				
Correctional Facilities	13.9						X
Highways, Trails, Ferries	53.0	X					
Roads	6.8						X
Public Transportation	2.1						X
Parks and Recreation	1.25						X
Parks and Recreation	6.6		X				
Airports	6.8	X					
Airports	1.7						X
Fish and Game Facilities	29.0	X					
University of Alaska	17.7		X				
Vietnam Veterans Bonus	10.0					X	
Solid Waste Management	0.7						X
Sewage Facilities	9.0					X	
State House Facilities	2.0						X
Water Supply	3.8						X
Totals		6	3	3	0	3	10
	$501.95	$162.40	$34.90	$225.00	0	$33.70	$45.95

SOURCE: *State Government News*, Lexington, KY, Council of State Governments, December 1976, pp. 2-6.

As *Table 5-17* indicates, these same three states, submitted 25 bond issues to the voters in 1976. While only 12 were approved, this encompassed 84% of the proposed amount of indebtedness. Voters tended to support the larger issues. There was some tendency to break out smaller items such as $700,000 in solid waste management in New Jersey from the large $9 million sewage facilities proposal. Usually, however, they are placed together to let the smaller item "ride on the back" of the larger. The items to be voted on ranged widely from fire training facilities to water supply and pollution control facilities. The most common type of proposal involved some use of water. Transportation made up another important category, as did educational and housing proposals. Voters in Rhode Island were considerably more selective than those in the two other states, favoring only three of ten issues.

STATE AND LOCAL DEBT

Authorizing governmental indebtedness at the state and local levels is a well established tradition. All but five states now require votes for local general obligation, long-term debt (such as for building fire stations or city halls).[23] The exceptions are Connecticut, Hawaii, Indiana, Massachusetts, and Tennessee, and the latter two states require it for some specific types of local issues.

Table 5-18

RESULTS OF STATE AND LOCAL BOND ISSUE ELECTIONS, 1950-75

Year	Approved Amount	Percent	Defeated Amount	Percent
1950	$1,537,517,326	76%	$ 497,983,399	24%
1951	2,249,602,957	88	301,174,640	12
1952	2,383,970,390	84	458,278,500	16
1953	1,851,594,537	83	388,769,450	17
1954	2,781,901,503	84	544,154,550	16
1955	2,885,666,121	65	1,524,453,871	35
1956	4,642,488,809	87	665,689,492	13
1957	2,733,435,486	77	806,795,602	23
1958	3,728,455,966	75	1,263,754,101	25
1959	2,752,942,464	72	1,087,633,605	28
1960	5,916,951,404	85	1,007,889,410	15
1961	2,544,327,858	67	1,263,606,943	33
1962	4,263,609,903	70	1,850,443,358	30
1963	3,626,886,529	63	2,156,807,833	37
1964	5,715,400,806	78	1,582,926,248	22
1965	5,611,653,628	73	2,095,491,659	27
1966	6,515,833,687	77	1,944,831,423	23
1967	7,365,194,080	74	2,549,704,766	26
1968	8,686,075,169	54	7,459,875,274	46
1969	4,286,542,050	40	6,534,047,453	60
1970	5,366,441,359	63	3,194,042,145	37
1971	3,142,846,335	35	5,862,362,912	65
1972	7,875,500,983	64	4,445,857,080	36
1973	6,306,039,592	52	5,800,848,114	48
1974	8,021,389,589	62	4,865,370,237	38
1975	3,392,270,729	29	8,184,238,487	71

SOURCE: Advisory Commission on Intergovernmental Relations, *Understanding the Market for State and Local Debt*, M-104, Washington, DC, U.S. Government Printing Office, May 1976, p. 30.

In 14 states, such popular approval is required by the Constitution, in nine others it is controlled by both statutory and constitutional provision, and in 22 others it is required only by statute. In 32 states, only a majority vote is required. In 11, either generally or for special purposes, a majority of from three-fifths to two-thirds is required. In Nebraska and North Dakota, a specified percentage of voter participation is required for certain classes of debt.

The concern about bond elections could lead to the current conclusion that very few bond issues pass and that the voters have been holding their purse strings tightly for some time, if not forever. This is not true. The explosion in state and local spending since World War II has been partly fueled by an explosion in state and local borrowing. *Table 5-18* makes this clear. The yearly percentage of state and local bond issues that have been approved has exceeded 80% on six occasions since 1950. Only in three years have over half of total proposed funding amounts been defeated. At the same time, the period since 1970 has seen significantly lower approval percentages, with the lowest in 1975, when only 29% of all proposed amounts were approved. Voter

Table 5-19

STATE AND LOCAL DEBT AS A PERCENTAGE OF NET TOTAL DEBT AND NET PUBLIC DEBT, 1950-74

(in billions)

Year	Total Private and Public	Total Public	Total State and Local	Total Private	State and Local Percent Total	State and Local Percent Total Public
1950	$ 490.3	$239.4	$ 20.7	$ 250.9	4.2%	8.6%
1951	524.0	241.8	23.3	282.2	4.4	9.6
1952	555.2	248.7	25.8	306.5	4.6	10.4
1953	586.4	256.7	28.6	329.7	4.9	11.1
1954	612.0	263.6	33.4	348.4	5.5	12.7
1955	665.8	273.6	41.1	392.2	6.2	15.0
1956	698.4	271.2	44.5	427.2	6.4	16.4
1957	728.3	274.0	48.6	454.3	6.7	17.7
1958	769.6	287.2	53.7	482.4	7.0	18.7
1959	833.0	304.7	59.6	528.3	7.2	19.6
1960	874.2	308.1	64.9	566.1	7.4	21.1
1961	930.3	321.2	70.5	609.1	7.6	21.9
1962	966.0	335.9	77.0	660.1	7.7	22.9
1963	1,070.9	348.6	83.9	722.3	7.8	24.1
1964	1,151.6	361.9	90.4	789.7	7.9	24.9
1965	1,244.1	373.7	98.3	870.4	7.9	26.3
1966	1,341.4	387.9	104.8	953.5	7.8	27.0
1967	1,435.5	408.3	112.8	1,027.2	7.9	27.6
1968	1,582.5	437.1	123.9	1,145.4	7.8	28.3
1969	1,736.0	453.2	133.3	1,282.9	7.7	29.4
1970	1,868.9	484.9	145.0	1,384.0	7.8	29.9
1971	2,045.8	528.2	162.4	1,517.6	7.9	30.7
1972	2,270.2	557.6	175.0	1,712.7	7.7	31.4
1973	2,525.8	593.4	184.5	1,932.4	7.3	31.1
1974	2,777.3	642.9	205.6	2,134.4	7.4	32.0

SOURCE: Advisory Commission on Intergovernmental Relations, *Understanding the Market for State and Local Debt*, M-104, Washington, DC, U.S. Government Printing Office, May 1976, p. 34.

support clearly has declined in the 1970s, but it is too soon to tell if this is a long term trend or due to peculiarities of this decade.

State and local debt peaked in 1964 at 7.9% of total public and private debt, and is now slightly under that at 7.4%. It has continued to grow, however, as a percentage of total public debt (federal, state and local), now constituting about one-third (32%). In the quarter century from 1950 to 1974, state and local debt multiplied some tenfold, while federal debt approximately doubled. *Table 5-19* indicates that private debt has increased some eightfold since 1950, much faster than governmental debt, although part of this is no doubt due to the artificially low levels of private spending during World War II.

Not more than half of the total state-local indebtedness has been authorized by voters. Often, the voting public ratifies only general obligation long-term obligations,[26] and these total about 54% of the total debt, down from 78% of all debt in 1952. About 47% of all state debt and 57% of local debt is of this sort. The remainder is mostly in the form of limited liability obligations repaid by revenues or charges from a specific project, such as a sewage plant, and a smaller amount in short-term loans, mostly for tax anticipation notes or similar uses at the local level. Referenda for limited liability obligations are much less common than for general obligation bonds.

The purposes of state and local long-term debt are changing. *Table 5-20* indicates the shifts. Education has dropped significantly as a percentage of total debt since its peak of 35% in 1962. Transportation also has decreased significantly. Industrial aid bonds peaked in the late 1960s, while in 1973 and 1974 expenditures for pollution control devices increased dramatically.

MUNICIPAL AND COUNTY BOND REFERENDA, 1975-77

Municipal and county government bond referenda are not uncommon, although certainly not as widespread as school bond issues. The 1978 ACIR/ICMA survey of all municipalities over 10,000 and all counties over 50,000 indicated that nearly 30% of reporting municipalities and 20% of reporting counties held one or more referenda in the 1975 through 1977 period, as outlined in *Table 5-21*.

About 76% of all municipal and 61% of all county bond referenda were approved, with fairly stable passage rates over the three years. The municipal approval rate was higher than municipal tax limit referenda (*Table 5-16*), suggesting that bond elections may be perceived by local voters as directed at a specific, hence more acceptable, purpose rather than merely the need for additional funds. This approval rate is a good deal higher than the most recent school district record (*Table 5-23*) and somewhat higher than the state bond referenda rate of 62%. The approval rate for counties is about the same as county tax limit referenda, but higher than school bonds and comparable to approval rates for state bond referenda.

In actual numbers, 414 municipalities held 997 bond referenda over the period, an average of about 2.4 per locality. The county rate was only about one-half, with 58 counties holding 73 bond referenda (1.3 per county). Almost a third, or 317 of 997 municipal referenda were begun by citizen initiatives in 121 cities. The overall number of

Table 5-20

STATE AND LOCAL LONG-TERM DEBT CLASSIFIED BY PURPOSE, SELECTED YEARS, 1959-74 (percent)

Year	Schools	Utilities	Transportation	Public Housing	Industrial Aid	Pollution Control	Other	Total
1959	30%	15%	12%	4%	—	—	39%	100%
1962	35	15	14	4	1%	—	31	100
1967	31	14	8	3	9	—	35	100
1968	29	12	10	3	10	—	36	100
1969	28	12	14	3	0[1]	—	44	100
1970	28	13	8	1	9[1]	—	50	100
1971	24	15	11	4	1	—	45	100
1972	23	13	9	4	2	—	49	100
1973	21	15	6	5	1	9%	43	100
1974	22	14	4	2	2	10	46	100

[1] Less than 0.5%

SOURCE: Advisory Commission on Intergovernmental Relations, *Understanding the Market for State and Local Debt*, M-104, Washington, DC, U.S. Government Printing Office, May 1976, p. 15.

Table 5-21

BOND REFERENDA DURING 1975-77 IN MUNICIPALITIES AND COUNTIES

414 Municipalities Holding Elections (28.5% of reporting units)	**1975**	**1976**	**1977**	**Total**
Total Municipalities	174	152	179	505
Ballot Issues	370	288	339	997
Issues Approved	280 (76%)	203 (70%)	269 (79%)	752 (76%)
Issues Due to Citizen Initiatives (number of cities)[a]	59 (29)	109 (41)	149 (51)	317 (121)
58 Counties Holding Elections (18.8% of reporting units)				
Total Counties	16	22	18	56[b]
Ballot Issues	18	29	26	73
Issues Approved	11 (61%)	17 (59%)	17 (65%)	45 (61%)
Issues Due to Citizen Initiatives (number of counties)	8 (7)	5 (4)	7 (6)	20 (17)

[a] Citizen initiated referenda included in preceding totals.

[b] Fewer elections were reported year by year than for the entire three-year period (58). This is apparently a reporting error.

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

municipal citizen-initiated referenda seems to be increasing, as well as the number initiated in each city. Counties had about 30% of their total issues initiated by citizens (20 of 73).

Table 5-22 places the municipal bond referenda within the context of all municipal referenda. A total of 1,322 elections were held for all purposes between 1975 and 1977, averaging almost one per municipality over the three-year period (although of course, some localities held several). Tax limit referenda were the most common, with bond and nonfiscal issues about equal in number.

The propensity to conduct bond referenda is not a function of municipal size for smaller jurisdictions, but increases dramatically for cities over 100,000. Northeast cities tend to go to the polls less frequently than those in other regions, with western cities somewhat more likely to rely on popular voting. Central cities were slightly more likely to hold referenda than independent cities, particularly if the issues were nonfiscal. Suburban cities used referenda least of the three jurisdictional types, though overall, there was a clear tendency for council-manager cities to hold referenda more often than mayor-council municipalities.

SCHOOL DISTRICT REFERENDA[27]

Approval of general obligation bonds for school purposes requires a vote of the citizens in 32 states. Fourteen of these states (California, Idaho, Iowa, Kentucky, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New York, Oklahoma, South Dakota, Washington, and Virginia) require specified percentages in excess of a bare majority for approval. Mississippi, for example, requires a 54% approval of those voting. In 15 states, some but not all school systems require voter approval of bonded indebtedness. In three states (Alabama, Hawaii and Indiana), voter approval is not required.

Tables 5-23 and 5-24 give an overview of the school district bond elections held between 1964 and 1976. In this period, some 18,386 individual referenda in the 50 states were held, with over 11,000 approved for an acceptance rate of 61.5%. This rate has been declining in recent years, however, even as the number of elections has decreased. The 391 approvals in fiscal 1976 were an all time low, as were the 770 elections held. No doubt, the gradual decline in the proportion of school age youngsters has something to do with

Table 5-22

REFERENDA ON FISCAL AND OTHER MUNICIPAL ISSUES, 1975-77

	Municipalities Holding Bond Referenda		**Municipalities Holding Tax Limit Referenda**		**Municipalities Holding Other Referenda**	
	Number	**Percentage of all Respondents**	**Number**	**Percentage of All Respondents**	**Number**	**Percentage of All Respondents**
Total	414	28.5%	502	35.4%	406	28.1%
Population Group						
Over 1,000,000	2	66.7	1	33.3	2	66.7
500,000 to 999,999	9	69.2	6	42.9	11	78.6
250,000 to 499,999	12	46.2	17	65.4	15	57.7
100,000 to 249,999	26	36.1	19	28.4	29	41.4
50,000 to 99,999	42	25.6	54	33.3	60	38.0
25,000 to 49,999	106	29.5	126	35.8	99	27.4
10,000 to 24,999	217	26.6	279	35.1	190	23.3
Geographic Region						
Northeast	64	19.5	31	9.4	92	27.3
Northcentral	112	25.8	231	55.3	112	26.4
South	144	36.7	112	29.4	95	21.5
West	94	31.6	128	44.3	117	40.5
Metropolitan Status						
Central	84	34.1	87	36.0	92	37.9
Suburban	200	24.4	279	34.8	221	27.0
Independent	130	33.5	136	36.4	93	24.1
Form of Government						
Mayor-Council	117	22.7	169	33.9	122	23.6
Council-Manager	267	31.6	318	38.3	260	31.0
Commission	13	28.9	14	35.0	12	26.1
Town Meeting	15	48.4	1	3.1	8	25.8
Representative Town Meeting	2	12.5	0	0	4	25.0

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-23

ELEMENTARY AND SECONDARY SCHOOL BOND ISSUES VOTED ON IN THE UNITED STATES, 1964-76

Fiscal Year Ending June 30	Number of Elections Held	Number of Elections Approved	Approved (in percent)
1964	2,071	1,501	72.5%
1965	2,041	1,525	74.7
1966	1,745	1,265	72.5
1967	1,625	1,082	66.6
1968	1,750	1,183	67.6
1969	1,341	762	56.8
1970	1,216	647	53.2
1971	1,086	507	46.7
1972	1,153	542	47.0
1973	1,273	719	56.5
1974	1,386	779	56.2
1975	929	430	46.3
1976	770	391	50.8
Total	18,386	11,313	61.5%

SOURCE: National Center for Education Statistics, *Bond Sales for Public School Purposes, 1975-76*, Washington, DC, U.S. Office of Education, p. 2.

Table 5-24

PAR VALUE OF ELEMENTARY AND SECONDARY SCHOOL BOND ISSUES VOTED ON IN THE UNITED STATES, 1964-76

Fiscal Year Ending June 30	Par Value of Bond Issues (n millions) Proposed	Par Value of Bond Issues (n millions) Approved	Approved (in percent)
1964	$ 2,672	$ 1,900	71.1%
1965	3,129	2,485	79.4
1966	3,560	2,652	74.5
1967	3,063	2,119	69.2
1968	3,740	2,338	62.5
1969	3,913	1,707	43.6
1970	3,285	1,627	49.5
1971	3,337	1,381	41.4
1972	3,102	1,365	44.0
1973	3,988	2,256	56.6
1974	4,137	2,193	53.0
1975	2,552	1,174	46.0
1976	2,103	969	46.0
Total	$44,581	$24,166	54.2%

SOURCE: National Center for Education Statistics, *Bond Sales for Public School Purposes, 1975-76*, Washington, DC, U.S. Office of Education, p. 2.

this, as would any additional financial support from states. *Table 5-25* shows the five states (Texas, Ohio, Michigan, Illinois, and Oklahoma) with the most local referenda in the six fiscal years beginning 1970-71. In Texas, Illinois, and Oklahoma the rate of successful elections exceeds or meets the national average, which never exceeded 56% during those years. Yet, school districts in Michigan and Ohio faced, at best, an uphill battle, encountering success less than a third of the time. Even so, they continued to put issues before the voters. In Michigan, bonds equal to 5% of the state-equalized valuation can be issued by the school board without a vote, while in Ohio the governing body unilaterally may issue bonds up to 0.1% of the locally assessed valuation. Both of these provisions give the districts some flexibility but the voters have effectively limited education expansion in these two states.

Table 5-24 indicates the value of bond issues put before the voters during the period 1967-76. A total of over $44 billion was put on the ballot, with over $24 billion, or 54%, approved through 1976. The 61% rate of approval in individual elections somewhat exceeds the 54% average for the amount of bonds approved as a percentage of the amount of issue at stake. Thus, voters apparently were somewhat more likely to approve smaller than larger ones, in contrast to state bond issues as noted earlier (see *Table 5-17*). This voter reaction occurred in nine of the 13 years reported, and presumably serves as an encouragement to school officials to keep the size of bond proposals down (or to split up issues into smaller and more palatable options). The amount proposed has declined rather dramatically from a high in 1973 and 1974, and the amount approved in 1976 dropped below a billion for the first time in the 13 years surveyed.

Oklahoma, the state with the most local elections, usually put the largest proposed indebtedness authorizations before the voters. Yet, most of these were in small amounts, while California, with fewer voter issues than Oklahoma, placed nearly $3 billion in proposals before the voters during the six-year period. This is probably due to the relatively larger size of the California districts. Texas voters, it might be noted, approved slightly more total authorizations than California. Texas was also the one state in this group whose districts approved a higher percentage of the amounts proposed than approved individual elections (74% to 66%). Individual district elections in other states were closer to the norm of lower authorized amounts

Table 5-25

STATES WITH THE MOST SECONDARY AND ELEMENTARY SCHOOL BOND ELECTIONS AND WITH THE LARGEST AMOUNTS OF BOND AUTHORIZATIONS VOTED UPON, THROUGH 1975-76
FIVE HIGHEST IN EACH CATEGORY LISTED

States	Number of Local Referenda	Number Passed	Percentage	Total Proposed Authorizations (in millions)	Total Passed Authorizations (in millions)	Percentage
California	—	—	—%	$2,957	$1,502	51%
Illinois	462	288	62	1,172	577	49
Michigan	616	196	32	2,127	648	30
Ohio	736	210	29	1,996	588	29
Oklahoma	410	282	69	—	—	—
Texas	871	580	66	2,046	1,519	74

SOURCE: National Center for Educational Statistics, *Bond Sales for Public School Purposes*, Washington, DC, U.S. Office of Education, issues for 1970-71 thru 1975-76, passim, compiled by ACIR staff.

than for rates of electoral success. The exception to the states with the most individual district elections placing the most proposed par value of total bonds before voters was Oklahoma, where the proposed amounts were relatively insignificant.

Several studies have been made of the reasons for defeat of school bond issues. One study of 68 defeated issues, mostly in California, and done at a time when approvals were running at an overall rate of over 67%, and concluded that the following were the most important factors explaining failure: (1) the percentage of vote required for passage (generally a two-thirds vote), (2) the level of the local school tax rate, (3) the level of the overall tax rate, and (4) scars resulting from unification battles. Items two and three suggest strongly that voters carefully calculate the benefits of school programs against the additional costs of property tax increases.[28] Less influential, yet still significant reasons included criticism of officials, negative voting by senior citizens, and community economic levels.

Some defeated issues, it should be noted, were found to be at least partially a result of the failure to involve citizens. "Informed community leaders perceived that decisionmaking had often taken place with little or only token involvement of the citizen. Decisions had been announced after discussions in which they had not been involved."[29] Civic groups usually supported or led the campaigns which brought approval.

> Citizens' advisory committees for assisting in the planning of facilities projects and their financing were not often encountered. Both officials and voter respondents felt that failure to involve the public in the preliminary stages of arriving at crucial decisions was of some importance in accounting for lack of citizen support of all school policy decisions, not just of bond issues.[30]

Another study of school bond issues concluded that deep seated feelings of frustration and alienation are the basic reasons for negative voting in local referenda. This response is based on a general feeling of individual powerlessness rather than on any specific opposition to school finances or policies. The referendum process is an institutional arrangement by which such people have a chance to express political protest and thus "... voting down local issues does not represent an organized, class-conscious opposition, but a type of mass protest, a convergence of the individual assessment of the powerless who have projected into available symbols the fears and suspicions growing out of their alienated existence."[31]

In light of these findings, it appears that greater efforts for more citizen involvement would reach out to these kinds of citizens, for (1) they are unlikely to step forward to participate in, or to belong to, organizations which might be linked to schools through participative mechanisms, and (2) it is unlikely that any participatory scheme could involve all individuals or change all views. The existence of deeply alienated individuals who are still willing to vote (normally these individuals do not) suggest that local referenda provide certain "outlets" for protest and may be highly functional for the political system as a whole, even though it does make more difficult the job of local school officials.

One factor not generally considered in studies of this type is whether or not the decline in the number of school districts over the last three decades, from over 108,000 in 1942 to 15,260 in 1977, has contributed to voter negativism because of loss of local control or a feeling of powerlessness in the face of larger, more professional districts. Information on the frequency and success of referenda by size of district unfortunately is not available.

NONFISCAL PARTICIPATORY ACTIVITY AT STATE AND LOCAL LEVELS

There are a number of participative mechanisms at the state and local level which do not directly involve fiscal activity. Yet, they are closely related to participative processes in general and thereby indirectly to fiscal processes as well. For this reason, some of the major mechanisms of a more general sort are discussed in this section. These include nonfiscal referenda, open meetings and open records laws, public information in state legislatures, procedures for administrative rulemaking, advisory committees, citizen surveys, new state mechanisms in policy and plan formulation, other specific techniques, and coordination of citizen participation at the state level.

Nonfiscal Referenda

A substantial number of ballot issues at both the state and local levels do not directly affect fiscal matters, but provide an opportunity for citizen participation, even absolute control. In addition, their use often affects fiscal matters. Voter receptivity to nonfiscal ballot issues may aid or endanger bond or tax limit proposals on the same ballot. Personnel decisions which affect such matters as veterans preference, the use of state or city lands, the creation of a commission, and similar matters have an effect on the allocation of funds in the future. Often it is difficult to distinguish clearly between ballot measures on the basis of whether or not they have fiscal impact. *Table 5-15* indicated that state constitutional or other statewide issues proposed from 1970 to 1975 involved formal fiscal matters in about a fifth of the cases.

A separate analysis of state constitutional amendments considered during 1972-76 (*Table 5-26*), indicates that some states considered a substantial number. In such states, those citizens or groups involved in the electoral process have a substantial impact on governmental decisions. In June 1976, for example, California voters acted on the following ten statewide issues (many of which were not constitutional issues):

- permission for legislature to authorize bingo for cities and counties (approved);
- authorization for depositing public moneys in savings and loan associations as well as banks (approved);
- delineation and taxing of historical sites (approved);
- authorizing the legislature to allow elderly citizens to postpone property taxes (approved);
- change in legislative voting requirements for corporation taxes (approved);
- elimination of income tax deductions for insurance companies' home office property tax (approved);
- use of surplus property for park use (approved);
- repeal and amendment of various miscel-

Table 5-26

CONSTITUTIONAL AMENDMENTS CONSIDERED AND ADOPTED AMONG SELECTED STATES, 1973-76

Most Amendments Considered

State	Proposed	Adopted
California	37	27
Ohio	41	23
Oregon	27	13
Maryland	22	21
Oklahoma	22	15
Texas	21	9
New Hampshire	21	7

Fewer Amendments Considered

State	Proposed	Adopted
Illinois	1	0
Rhode Island	1	1
Hawaii	2	2
Louisiana	2	2
Iowa	2	2

Highest Percentage of Amendment Adopted (among states considering five or more proposals)

State	Proposed	Adopted
Maine	14	14
South Carolina	9	9
Connecticut	8	8
Maryland	22	21
Kansas	11	10

(all over 90%)

Lowest Percentage of Amendments Adopted

State	Proposed	Adopted
Illinois	1	0
South Dakota	8	1
Nebraska	114	3
Vermont	7	2
Washington	11	3

(all under 30%)

SOURCE: *National Civic Review*, New York, NY, National Municipal League, 1972 through 1977.

laneous constitutional matters (approved);

- authorization for legislature to approve refunding bonds for state debt by a two-thirds vote (not approved); and
- authorization to increase maximum interest rate collectible (not approved).

States such as California use the constitutional amendment process much more frequently than others, although in a four-year period from 1972 to 1976, only one state, Tennessee, failed to propose any changes to its constitution. In this period, the number of items considered by individual states ranged from 41 in Ohio to one proposal each in Rhode Island and Illinois. Approvals ranged from 27 in California to none in Illinois. *Table 5-26* gives some of the extremes among states, both in the number of proposals and in the percentages of approvals.

Localities also place a substantial number of nonfiscal matters on the local ballot. *Table 5-22* indicates that municipalities responding to the 1978 ACIR/ICMA questionnaire held as many miscellaneous as bond referenda, with about 28% conducting such canvasses over the past three years.

For many localities, the most common ballot item was an amendment to the local chapter. In some cases, the volume of charter amendments was substantial. The City and County of San Francisco had 45 charter amendments on the local ballot in the three-year period from 1975 to 1977, second only to the city of Tamarac, FL, with its 46 during the same period. Colorado Springs reported the most charter amendment votes in a single year, 19 in 1977, along with five other proposals in 1975. San Diego reported 12 items on the 1977 ballot, including charter amendments to lease lands, establish competitive bidding procedures, limit veterans preference, set civil service procedures, assign functions to a different municipal official, and modify the civil service system. In addition, San Diego citizens also prohibited nudity on beaches and approved a paramedic program.

Regulation of morals, which often involves financial questions, was a commonly reported matter for popular decision. Dade County, FL, voted on a gay rights ordinance. Clay County, MO, voted on repealing a blue law to permit Sunday sales. Grandview, MI, and Springfield, TN, balloted on liquor by-the-glass sales. Pasco, WA, voted in 1975 on a gambling issue (advisory); Boca Raton, FL, on ratifying a topless ordinance; and Inglewood, CA, on legalizing card parlors.

Zoning matters also were put to the electorate in many cities, and often they had a fiscal impact. Kewanee, IL, voted on using a park for a high rise development. Merrimack, NH, had 12 zoning matters on the ballot in a three-year period, along with a proposal for a town manager in each year. The county of Santa Barbara, CA, voted on permitting construction of an oil processing plant in the coastal area and on a growth control proposal by the council which downzoned the city and set potential population limits. Riverside, CA, rejected a citizen initiative on controlled growth, and Little Rock, AR, voted on annexing a 55-square-mile area.

Employee status and policies also were common ballot measures, often having substantial fiscal implications. A number of localities voted on collective bargaining questions, some on whether or not to accept an agreement, but more often to authorize negotiations (frequently for fire departments). Voter approval of negotiated agreements (especially for teachers' salaries) was found more often in eastern cities. Oakland and San Bernardino, CA, voted on setting police and fire salaries, Tonawanda, NY, on civil service status for specific department heads, and Los Angeles County, CA, on travel reimbursements for employees. While direct citizen action in public sector bargaining is controversial, a recent study indicates that there is general agreement about the need for some means of "public interest" access to, and influences over, the process.[32]

Occasionally, issues arise directly relating to the grants-in-aid process, such as in Las Cruces, NM, where citizen participation forced a 1975 referendum on whether or not to accept Community Development Block Grant funds.

Other types of votes affect the organization and financing of services. Pasco County, FL, voted in 1976 on creation or modification of three fire districts, a bridge district, and a water and sewer district. Sarasota County, FL, put to popular vote the proposed creation of two highway districts and an emergency medical services district, while Salem, OR, voters rejected a mass transit district.

Sometimes advisory referenda are presented to the citizenry. Moorhead, MN, held one on selling a 320 acre city farm, and Miami, FL, on selling beer in the Orange Bowl. Many other votes appear to be technically advisory, or placed on the ballot at the initiative of the legislative body when not legally required to do so.

This brief review of nonfiscal referenda clearly shows that citizen control through the ballot box has a substantial impact on state and local government. Whether the referenda are binding or advisory, they circumscribe the decisionmaking powers of elected officials, and expand the role of citizens.

Open Meeting Laws

Open meeting laws create opportunities for citizen participation. States have a wide range of requirements for open meetings, applying variously to meetings of the legislative and executive branches, and requiring public notification. In 1974, the ACIR reported that virtually all states required their public bodies to conduct open meetings. While executive sessions still are permitted under some circumstances, most states restrict the nature of these closed sessions, prohibiting final votes in them. However, only 24 states, at that time, required public notification of meetings, and even fewer specified the nature and scope of such meetings.

State legislatures usually are allowed to operate under their own rules. A survey made by the Iowa State Association of Counties and reported in its publication *Public Access to the Legislative Process* indicated that most legislatures do have open meeting requirements, but that notification procedures are relatively informal or nonexistent. The Iowa study assigned scores with respect to 11 criteria of public access to the legislative process. This ranking showed Wisconsin and Minnesota as leaders in accessibility, and gave substantially lower scores to Wyoming, New Hampshire, Michigan, and Georgia.[33]

Provisions of state laws applying to public meetings and notification as of 1977 are found in *Table 5-27*. These laws originated with the 1967 Florida sunshine law. There has been a substantial increase in the number of such laws and their strength in the last few years. Common Cause indicates that in 1975, 15 states enacted new sunshine laws or strengthened old ones. In 1976, 12 other states acted, including New York and Rhode Island. In 1977, four other states enacted comprehensive sunshine laws, and ten others passed new legislation.[34] Now, every state has some form of open meeting law.

Of the 50 state open meeting laws, 42 require advance public notice, 37 require that minutes be taken, 35 provide for sanctions against officials who violate the law, and 31 provide that actions taken against the provisions of the law are void or voidable. This latter provision was actually used in New Jersey, where courts voided an Atlantic City charter already approved by voters because it was drafted illegally in closed sessions.[35]

According to the Common Cause report, all 50 states require local governments to open their meetings except when dealing with specified actions such as personnel decisions, salary negotiations, or consultation with an attorney. All 50 states also apply the law to state executive branches, and to all or some activities of their state legislatures. Thirty-five states give citizens the legal standing needed to sue violators.

In some cases, the concept of open meetings has apparently resulted in televised legislative proceedings. Public TV stations in 31 states now provide regular coverage of state legislatures; nine televise sessions nightly; and 12 feature weekly telecasts. Studies conducted in Florida, where the original sunshine law was adopted in 1967, indicated that viewers generally liked the program, and that the program generally improved attitudes toward the legislature.[36]

Florida also has conducted public sector labor negotiations in open meetings since 1974. This appears to be as far as any state has gone in opening meetings which most experts hitherto would have regarded as best left closed. Preliminary reports indicate that school board members and superintendents prefer open meetings, but that labor negotiators do not. Negotiators cite the difficulty of compromising and changing positions in public. At least one union negotiator feels that open sessions can be useful to the union in explaining their position to the public.[37]

Making public these kinds of matters is what advocates of open meetings have in mind, and the Florida experience points out the strengths and weaknesses of such laws when the concept is carried to its logical conclusion.

Table 5-27

STATE OPEN MEETING LAWS: 1977

States	Open Meetings Required	Applies to: State Legislation: Floor	Applies to: State Legislation: Committees	Applies to: State Executive Branch etc.	Applies to: Local Government	Limitations on Executive Sessions	Provisions for: Notice	Provisions for: Minutes	Enforcement: Personal Sanctions	Enforcement: Voluntary Actions	Enforcement: Citizens Standing to Sue
United States, Total	50	46	50	50	50	50	42	37	35	31	35
Alabama	X	X	1	X	X	X			X		
Alaska	X		X	X	X	X	X			X	
Arizona	X	X	X	X	X	X	X	X	X	X	X
Arkansas	X	X	X	X	X	X	X		X	X	X
California	X	X	X	X	X	X	X		X		X
Colorado	X	X	X	X	X	X	X	X		X	X
Connecticut	X	X	X	X	X	X	X	X	X	X	X
Delaware	X	X	X	X	X	X	X	X		X	X
Dist. of Columbia											
Florida	X	X	X	X	X	X	X	X	X	X	X
Georgia	X		X	X	X	X		X	X	X	X
Hawaii	X		X	X	X	X	X	X	X	X	
Idaho	X	X	X	X	X	X	X	X		X	
Illinois	X	X	X	X	X	X	X		X		
Indiana	X	X	X	X	X	X	2	X	X	X	X
Iowa	X	X	X	X	X	X	X	X	X		X
Kansas	X	X	X	X	X	X	X		X	X	
Kentucky	X	X	X	X	X	X	X	X	X	X	X
Louisiana	X	1	X	X	X	X	X	X	X		X
Maine	X	X	X	X	X	X	X	X	X	X	X

Maryland	X	X	X	X	X	X	X	X		X	X
Massachusetts	X	1	X	X	X	X	X	X		X	X
Michigan	X	X	X	X	X	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X	X	X	X		
Missisuippi	X	X	X	X	X	X	X	X			X
Missouri	X	X	X	X	X	X	X				
Montana	X	X	X	X	X	X		X	X	X	
Nebraska	X	X	X	X	X	X	X	X	X	X	X
Nevada	X	X	X	X	X	X	X	X	X		X
New Hampshire	X	X	X	X	X	X	X	X			X
New Jersey	X	X	X	X	X	X	X	X	X	X	X
New Mexico	X	X	X	X	X	X	X	X	X	X	X
New York	X	X	X	X	X	X	X	X		X	X
North Carolina	X	X	X	X	X	X					X
North Dakota	X	X	X	X	X	X			X		
Ohio	X	X	X	X	X	X	X	X	X	X	X
Oklahoma	X	1	X	X	X	X	X	X	X	X	
Oregon	X	X	X	X	X	X	X	X	X		X
Pennsylvania	X	X	X	X	X	X	X	X	X	X	X
Rhode Island	X	X	X	X	X	X	X	X			
South Carolina	X	X	X	X	X	X			X		X
South Dakota	X	X	X	X	X	X		X	X		
Tennessee	X	X	X	X	X	X	X	X	X	X	X
Texas	X	X	X	X	X	X	X		X		X
Utah	X	X	1	X	X	X	X	X		X	X
Vermont	X	X	X	X	X	X	X	X	X	X	
Virginia	X		X	X	X	X	X	X	X	X	X
Washington	X	X	X	X	X	X	X		X		X
West Virginia	X	X	X	X	X	X		X			X
Wisconsin	X	X	X	X	X	X	X	X	X	X	X
Wyoming	X	X	1	X	X	X	X			X	

[1] Open by practice.

[2] Except for the Legislature.

SOURCE: Common Cause, "State Open Meeting Laws," Washington, DC, mimeo, January 1978.

Table 5-28

STATE OPEN RECORDS LAWS: 1975

States	Determination of Open Records				Penalties for Violators of the Act		Exclusions Provided for in the Act										Copy Fees	
	All records open	Administrative review	Judicial review	Attorneys fees paid	Fine	Jail	Juvenile, adoption parole, medical, mental	Litigation involving public body	Land acquisition disposition	Personnel, school files	Arrest records (if no conviction)	Trade secrets	Investigatory information	Inter-dept. memos	Invasion of privacy	Geological information	Fees charged	Fee schedule set up
Alabama	X				X												X	
Alaska	X		X				X										X	
Arizona	X		X	X	X[1]		X[2]					X					X	
Arkansas	X		X		X	X	X[3]			X[4]								
California	X		X			X[5]	X[6]	X	X	X[7]			X	X	X	X	X	
Colorado	X	X	X	X	X	X			X	X[8]		X	X			X	X	
Connecticut	X	X	X		X		X[9]	X	X	X[10]		X	X		X		X	X
Delaware**																		
Dist. of Columbia	X	X[11]												X	X		X	X[12]
Florida	X				X	X	X[13]											
Georgia	X						X[14]								X		X	
Hawaii	X		X															
Idaho	X																X	
Illinois	X	X	X	X			X[15]					X	X		X		X	
Indiana	X		X		X	X												
Iowa	X		X		X		X[16]	X	X	X[17]		X	X				X	
Kansas	X				X[18]		X[19]											
Kentucky	X	X[20]	X	X	X[21]				X				X		X	X	X	
Louisiana	X		X		X	X	X[22]						X					
Maine	X				X													
Maryland	X	X	X		X		X[23]		X	X		X	X	X		X	X	
Massachusetts	X		X				X[24]		X	X[25]		X	X	X	X			
Michigan	X				X													
Minnesota	X																	

Mississippi**																		
Missouri	X				X[25]		X	X		X[27]	X							
Montana	X																X	
Nebraska	X		X		X	X											X	X
Nevada	X				X[28]												X	
New Hampshire	X		X	X			X[29]	X		X					X			
New Jersey	X		X										X				X	X
New Mexico	X		X		X	X	X[30]			X								
New York	X	X[31]					X[32]					X			X		X	
North Carolina	X		X		X	X		X										
North Dakota	X																	
Ohio	X[33]		X				X[34]											
Oklahoma	X																	
Oregon	X	X[35]	X	X			X[36]	X	X			X	X	X	X		X	
Pennsylvania	X		X										X	X				
Rhode Island**																		
South Carolina	X	X	X		X		X[37]			X[38]							X	
South Dakota	X																	
Tennessee	X				X[39]	X[40]	X[41]			X			X	X			X	
Texas	X	X[42]	X		X	X		X	X	X		X	X	X	X	X	X	
Utah	X																	
Vermont	X	X	X	X		X[43]		X	X	X		X	X	X	X		X	
Virginia	X		X	X	X		X[44]			X			X	X			X	
Washington	X	X	X	X			X[45]		X	X		X	X	X	X		X	
West Virginia	X																	
Wisconsin	X																	
Wyoming	X		X		X		X[46]		X	X		X	X	X		X	X	

** Have no open record laws.

[1] Civil Action
[2] Adoption, Medical
[3] Adoption, Medical
[4] School
[5] Contempt of Court
[6] Medical
[7] Personnel
[8] Transcripts Can be Made Available
[9] Medical, Juvenile
[10] Personnel
[11] By Public Information Review Board
[12] By Individual Agencies
[13] Adoption
[14] Medical
[15] Medical
[16] Medical
[17] School
[18] Misdemeanor
[19] Juvenile, Adoption
[20] By the Attorney General
[21] Misdemeanor
[22] Medical
[23] Medical, Adoption
[24] Medical
[25] Personnel
[26] Misdemeanor
[27] School
[28] Misdemeanor
[29] Parole, Medical
[30] Medical, Mental
[31] Also by a Committee on Access to Public Records
[32] Medical
[33] Minutes of Open Meetings
[34] Parole
[35] By the Attorney General
[36] Parole
[37] Medical
[38] School
[39] Misdemeanor
[40] For divulging Tax Records—Jail and Fine
[41] Medical
[42] Attorney General
[43] Contempt of Court
[44] Medical
[45] Medical, Mental, Parole
[46] Medical

SOURCE: Lucille Amico, et al., *State Open Records Laws: An Update*, Columbia, MO, Freedom of Information Center School of Journalism,University of Missouri, mimeo, July 1976, pp. 205-7.

Open Records Laws[38]

As of 1975, 47 states and the District of Columbia had open records laws, often referred to as freedom of information laws. Only Delaware, Mississippi and Rhode Island had none. Such laws provide access by citizens to records in the possession of both state and local governments.

The first open records law was enacted by Wisconsin in 1849, and 34 states had them by 1961. These, of course, predated the federal *Freedom of Information Act of 1966.*

Following the Watergate break-in in 1972, 22 states (and the federal government also) amended their laws to make the procedures for obtaining public records more rapid and systematic. Many states now enumerate a few exemptions and make all other records accessible to the public unless the government can demonstrate that disclosure would damage the public interest. The states also often set reasonable procedures for inspecting records, copying and paying for them, and adjudication of denials. The 1975 status of state open meeting laws is shown in *Table 5-28.*

Despite this progress, the Freedom of Information Center at the University of Missouri concludes:

> ... state record acts still need a great deal of improvement. For example, there are 17 states which fail to provide administrative or judicial review. In most of these states, a writ of mandamus cannot even be issued because custodial duties are not clearly specified. In other states, administrative and judicial review are furnished but at the expense of the individual. Hawaii, Illinois, Vermont, and Washington are the only states which award citizens attorney fees and litigation costs if they gain access to the desired record. Connecticut, the District of Columbia and New York have established freedom of information commissions to review all denials and to aid requestors in disputing them.
>
> Another weakness in several of the state record laws is that they are too general in discussing documents open and exempt from disclosure.... If citizens are to have a right to know, they must be adequately informed.
>
> The acts tend to be inconsiderate of those seeking information. Because they fail to give custodians a deadline in which to respond to a request, they allow information to be withheld indefinately.[39]

Journalists have been promoting this type of state legislation since 1961 when their professional society, Sigma Delta Chi developed a model access law. The Southern Governmental Monitoring Project of the Southern Regional Council formulated a more complete model in 1975, and the Freedom of Information Center provided a refined version of this latter formulation in 1976.[40]

Public Information in State Legislatures

State legislatures increasingly are becoming aware of the need to be open with, and visible to, the general public. Therefore, through their national association, they have surveyed their recent efforts to open up, and published both the general findings and recommendations as well as specific examples.[41] Here is what the National Conference of State Legislatures found:

- Public knowledge as to when and where action will be taken on pending legislation is one of the most fundamental aspects of legislative public information. All states provide some form of bill calendar for both house and committee consideration. In most states, floor action agendas are available daily; committee schedules are usually published on a weekly basis. Legislative administrative officers—the secretary of the senate and the clerk of the house—are customarily responsible for the gathering and publication of such information.
- States are increasingly using computers to track legislation. According to a 1975-76 National Association of State Information Systems (NASIS) report, 29 states have computerized their bill status data. Some states disseminate factual legislative information directly—and effectively—to their citizens through the use of a call-in "hotline" service. In 11 states, residents can dial a state government WATS line and receive bill

status, committee scheduling, and floor action information. Factual questions about bill sponsorship and district representatives are also answered.

- In addition to status and calendar information, narrative summaries and newsletters of legislative activities are prepared and made available by many states. Some states distribute these to interested citizens and media at no cost through the use of extensive mailing lists. Other states make copies available in the capitol, primarily for use by the capitol press corps and legislators.
- Many legislatures have facilities for press conferences and media coverage of legislative activities. All 50 states provide facilities for the print media in, or near, the state capitols; and half of the states furnish at least one special studio or press conference room for the electronic media. Some states provide radio taping facilities for members who wish to tape a program for constituents on their activities. Nearly all states allow spot television coverage of committee and floor sessions. Several states have in-depth public television coverage of the legislature.
- All states make copies of bills available to their citizens, though sometimes at charge. All states also provide one or more of the following publications: a list of bills under consideration, a schedule of floor and committee actions, a record of that activity, and directories containing information on individual legislators.
- In order to generate citizen interest and involvement throughout the year, some states "take the legislature to the people" by holding interim committee meetings in individual districts. In addition, newsletters and publications on interim activities are available in some states.
- Many legislatures publish a session "wrap-up" or summary. This kind of publication is usually made available to the public through the state library system.
- Some states provide educational programs, seminars, and capitol tours, as well as internship programs and film presentations explaining the legislative process. Almost all state legislatures provide citizens with general information pamphlets, and operate speakers' bureaus. California has special public information programs for Spanish speaking citizens.

Upon completion of its survey of these public information efforts in the state legislatures, the Legislative Improvement and Modernization Committee of the National Conference of State Legislatures recommended that:

- state legislatures actively provide information on legislative activities to the public;
- each state legislature adopt as many public information services and activities as feasible; and
- each state legislature adopt formal constraints to ensure the judicious provision of such information.

Procedures for Administrative Rulemaking

Forty-eight states and the District of Columbia have administrative procedures acts (APA). The exceptions are Alabama and South Carolina. In all but two of the 48 APA states (Delaware and North Dakota), these acts provide administrative rulemaking procedures consisting of (1) notice of proposed action, (2) opportunity to comment, and/or (3) citizens' rights to petition an administrative agency for adoption, amendment, or repeal of administrative rules. These laws apply generally to state administrative agencies, and sometimes to local agencies as well.[42]

Although many of these laws sprang from the model state Administrative Procedures Act, there are substantial differences among them. *Table 5-29* shows the presence or absence of the three basic rulemaking provisions. At this level of generality, 45 states and the District of Columbia provide for notification; 42 states and the District of Columbia provide an opportunity for citizens to present their comments in either written or oral form; and 38 states provide citizens the right to petition for rulemaking action. Looking at it another way, four states have no general administrative rulemaking law; two have only one of the three parts; nine plus the District of Columbia have two parts; and 35 have all three parts. In

Table 5-29

RULEMAKING PROVISIONS OF STATE ADMINISTRATIVE PROCEDURES ACTS, 1978

States	Notice of Proposed Action	Opportunity to Comment	Right to Petition for Rulemaking	Number of Features 0	1	2	3
Alabama				X			
Alaska	X	X	X				X
Arizona	X	X				X	
Arkansas	X	X	X				X
California	X	X	X				X
Colorado	X	X	X				X
Connecticut	X	X	X				X
Delaware				X			
District of Columbia	X	X				X	
Florida	X	X	X				X
Georgia	X	X	X				X
Hawaii	X	X	X				X
Idaho	X	X	X				X
Illinois	X	X	X				X
Indiana	X	X				X	
Iowa	X	X	X				X
Kansas	X	X				X	
Kentucky	X				X		
Louisiana	X	X	X				X
Maine	X		X			X	
Maryland	X	X	X				X
Massachusetts	X	X	X				X
Michigan	X	X	X				X

Minnesota	X	X	X				X
Mississippi	X	X	X				X
Missouri	X	X	X				X
Montana	X	X	X				X
Nebraska	X		X			X	
Nevada	X	X	X				X
New Hampshire	X	X					X
New Jersey	X	X				X	
New Mexico	X	X	X				X
New York	X	X				X	
North Carolina	X	X	X				X
North Dakota				X			
Ohio	X	X	X				X
Oklahoma	X	X	X				X
Oregon	X	X	X				X
Pennsylvania	X	X				X	
Rhode Island	X	X	X				X
South Carolina				X			
South Dakota	X	X	X				X
Tennessee	X	X	X				X
Texas	X	X	X				X
Utah	X	X	X				X
Vermont	X	X	X				X
Virginia	X	X				X	
Washington	X	X	X				X
West Virginia	X	X	X				X
Wisconsin			X		X		
Wyoming	X	X	X				X
Number of States	46	43	38	4	2	10	35

SOURCE: ACIR staff compilation of excerpts from "State Administrative Procedures Acts" prepared by law students at Vanderbilt University in 1977 under the direction of Professor L. Harold Levinson.

addition, there is substantial variation among the details such as the length of time for notice before actual rulemaking will occur, the procedures for accepting comments, and the procedures for agencies in responding to petitions requesting rulemaking action.[43]

The model state APA requires that administrative rules be made available for public inspection as a condition for them becoming "valid or effective,"[44] and it also provides that the states publish a monthly periodical (similar to the *Federal Register*) in which state administrative rules are to be printed or a notice of their availability given.[45] According to a 1975 survey of state administrative rules and regulations conducted by the Maryland Division of State Documents,[46] 25 of the responding states have a register type publication; 26 codify their administrative rules and regulations; and 24 provide instruction to agency personnel involved in rulemaking while the remaining 24 states believe that such intention would be beneficial. Most of this activity is of recent origin.

Another recent trend in administrative rulemaking is legislative review. As of 1977, 34 states had formal procedures whereby the legislature reviews the regulations developed by state administrative agencies pursuant to state legislation.[47] Often these provisions are enacted as amendments to the state APA. The legislative review may be advisory only, or it may allow for disapproval or delay of a regulation. In any case, it provides a continuing means for the legislatures to monitor the activities of the bureaucracy, and ensures that proposed regulations are technically correct, within the scope of the law, in accord with legislative intent, and not unnecessarily burdensome on the public.

Advisory Committees

Counties and municipalities, as well as states, make heavy use of advisory committees and commissions as a means of obtaining information and feed back from citizens, eliciting citizen participation, and involving the public in the development and even implementation of local programs.

These committees cover such subject matter areas as planning, police and fire, recreation, human relations, and economic development. One study estimates that as many as one out of 200 politically aware adults were on commissions in two or three Chicago area suburbs.[48]

The ACIR/ICMA survey asked localities to indicate the number of advisory committees or commissions created by state law or local legislative action in their community, and the estimated number of citizens serving in total on all such bodies. A total of 95% of the 1,464

Table 5-30

NUMBER OF MUNICIPAL CITIZEN ADVISORY COMMITTEES OR COMMISSIONS AND THE TOTAL NUMBER OF CITIZENS SERVING ON THEM

			Total Citizens Serving on Committees					
Number of Committees	**Number of Cities**	**Percentage**	**Under 25**	**25-49**	**50-99**	**100-199**	**200-499**	**Over 500**
None	75	5%	—	—	—	—	—	—
1-5	596	41	230	278	61	22	5	—
6-9	314	21	6	134	151	20	1	2
10-19	322	22	4	19	152	133	12	2
20-49	145	10	—	—	5	69	65	6
Over 50	12	1	—	—	—	—	5	7
Totals	1,464	100%	240	431	369	244	88	17

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

Table 5-31

NUMBER OF COUNTY CITIZEN ADVISORY COMMITTEES OR COMMISSIONS AND THE TOTAL NUMBER OF CITIZENS SERVING ON THEM

			Total Citizens Serving on Committees					
Number of Committees	**Number of Counties**	**Percentage**	**Under 25**	**25-49**	**50-99**	**100-199**	**200-499**	**Over 500**
None	28	9%	—	—	—	—	—	—
1-5	100	32	30	46	20	4	—	—
6-9	48	15	1	13	26	6	1	1
10-19	74	23	1	—	28	35	10	—
20-49	50	16	1	1	3	16	29	—
Over 50	14	5	—	—	—	1	4	9
Totals	314	100%	33	60	77	52	44	10

SOURCE: Survey entitled "Citizen Participation in Fiscal Decision Making—1977," conducted by ACIR in cooperation with the International City Management Association, 1978.

responding municipalities indicated that they had at least one such citizen group, while 11% reported 20 or more. *Table 5-30* provides the detailed breakdown.

A total of 105 cities reported from 200 to over 500 citizens serving on advisory bodies. The most common figures showed from one to five committees, with between 25 and 49 citizens serving on each. Nearly half of all reporting municipalities (718), have over 50 citizens serving on advisory groups.

As might be expected, municipalities under 25,000 had substantially fewer committees than larger units, with over half having five or fewer committees. No municipality under 100,000 had as many as 50 committees. There was no regional variation in the number of committees, but there was a marked trend for central cities to have more of them, with over 32% in this category having at least 20. No suburban or independent city had over 50 committees. Manager cities tended to have more advisory committees than mayor-council municipalities.

Of the 314 reporting counties, 28 or about 9% reported no citizen committees, while 64, about 21%, reported 20 or more committees (see *Table 5-31*). In comparison to cities, a large percentage of counties had over ten committees (44% compared to 33%). This suggests that those counties choosing to use committees tended to use them more than municipalities. For counties, the most common total was also from one to five committees, but the typical number of citizen members (in the 50 to 99 range) was somewhat greater than for municipalities (in the 25-49 range).

The larger the county's population, the more likely it was to have 20 or more committees. Metropolitan counties and counties with administrators were far more likely to have over 20 committees than were nonmetropolitan or nonadministrator counties. Western counties usually had more committees than those in other regions.

Since about 95% of cities and 91% of counties reported at least one citizen committee, it is clear that citizen advisory committee membership, along with direct electoral methods, is a time-tested and accepted means of assuring citizen participation at the local level. Written comments from both city and county officials frequently indicated that the budget is reviewed by citizen advisory groups or commissions, and their comments were taken into account in the final decisions. Some units even have citizen committees prepare, or at least approve, the preliminary proposed budget. Bluefield, WV, reported that "overall, the appointed/elected advisory committees remain the central point of citizen participation groups." Milwaukie, OR, noted that "We created a Neighborhood Council program in 1975 for the specific purpose of involving interested citizens in the local decisionmaking process—the opportunities for such sharing are limited only by their energy and interest. Participation in fiscal decisionmaking is largely a function of education, at least we have found it so." Plainfield, NJ, stated that a 15-member citizen ad hoc budget advisory committee is involved each year in the analysis of the city's budget review process. These and similar advisory committees elsewhere clearly are involved in the local fiscal decisionmaking process.

Citizen Surveys

Survey research is an established citizen participation tool, although it has not received as much attention as it deserves. A 1972 survey indicated that more than 50% of cities over 100,000 and counties over 250,000 had been conducting citizen surveys for several years. Even so, local surveys of public opinions and citizen views have not been widely used as a means of citizen participation.[49] Time, expense, and questions as to their need all enter into the reluctance of smaller jurisdictions in using them. According to one study, they may even have fallen into disrepute in the 1970s.[50]

The basic reason for using surveys as a form of citizen participation is to provide a carefully conducted poll of a representative sample of the population on some issue or set of issues. Such surveys can balance the often unrepresentative element of participation found in public hearings and serve as a supplement to more direct means of participation such as advisory commissions or hearings. A substantial body of literature on their use locally is beginning to emerge.[51]

The specific use of survey data and opinion surveys can be found in many places. The State of Washington, in developing its *Alternatives for Washington* program, surveyed over 50,000 citizens by mail, telephone and newspapers between 1974 and 1976.[52] Newspapers commonly survey readers or "the man on the street" about public issues, and these surveys have an impact on the local governments in the area. For example, a Chicago Tribune telephone survey three years ago, found that most residents of both the city and its suburbs (a) would prefer to live elsewhere, (b) expected both Chicago and the suburbs to be worse places to live in five years, and (c) thought that their place of residence had gotten worse in the past five years.[53] This, obviously, was of interest to local officials.

Jefferson County (Louisville), KY, has the Continuing Citizens Consultation program, begun in 1974, which calls for quarterly surveys of various topics every fiscal year. These surveys have dealt with major community issues, including expenditure priorities, school busing, housing, and government reorganization.[54]

Allentown, PA, conducted several surveys of citywide attitudes and attitudes in selected wards in 1975, attempting to obtain citizen perceptions of city government, city issues, and neighborhood conditions.[55] Harrisburg, PA, provided a short, self-administered questionnaire to its residents to obtain their views prior to adoption of its 1977 budget. The city's confidence in using this approach was strengthened by a previous study (funded by the U.S. Office of Education) which ascertained that evaluations of services are related systematically to preferences for increased expenditures.[56]

Open-ended responses to the ACIR/ICMA 1978 survey indicated that several localities use citizen surveys. For example, Kirkwood, MO, claims to have used a mail public opinion questionnaire in addition to advertising public hearings, and to have received as high as a 25% return rate from all homeowners. Winnetka, IL, mails a questionnaire to all residents. Tallahassee, FL, reports receiving citizen input into the budget process by opinion surveys with sample questions such as the following:

1. Would you say the streets in your neighborhood:

    a. ____ need no repair.
    b. ____ need some minor repair.
    c. ____ need major repair.
    d. ____ don't know.

2. In the event that 1979 city revenues exceed projected costs, I feel that the following city services should be improved. *Please check no more than three services:*

    Garbage and trash collection ____
    Parks ____
    Street improvement and repair ____
    Bus service ____
    Police service ____
    Fire service ____

New State Participative Mechanisms in Policy and Plan Formulation

Several states have initiated major new policy and planning innovations with heavy use of citizen participation techniques.[57] Referring to these developments, and terming them "almost a populist revival in state level policy development," the Council of State Planning Agencies indicated that general discontent with government stimulated many of the innovations mentioned in its report.

Several factors have led to this "populist revival," including (1) awareness of the potential of survey research as an aid to political decisionmaking, (2) the need for consistent state procedures for citizen participation because of the "rampant and diverse requirements for public hearings and citizen involvement associated with federal programs," (3) media coverage of state government, and (4) regional local foundations and private groups such as the League of Women Voters and Common Cause.[58]

Several specific examples of state actions in this field can be cited. Texas started the trend toward state "goals studies" when it emulated the pioneering "Goals for Dallas" project by compiling and publishing *Goals for Texas*, based upon a series of citizen meetings throughout the state. The states of Georgia, Oregon and Washington followed, and by 1974, 21 states were involved in such efforts.[59]

Recent examples give the current flavor of these efforts. In Pennsylvania, a multitechnique participation effort began in 1976. It focused on development of a state land use plan. Scores of meetings were held, and over 10,000 participants were involved. The results are to lead to a revised state land use plan through legislative and administrative actions.

Kentucky is another good example. It created a major citizen task force on economic development in 1974 with 1,000 citizen members of five subtask forces considering agriculture, energy, finance, tourism, and industrial development. In 1975, another citizen task force was formed on education with 600 individual citizen members.

Minnesota created the Commission on Minnesota's Future to develop a state growth and development plan for the Governor and legislature. Forty citizen members plus a number of state officials held a number of publicized open meetings, including a special three-day session designed to brief legislators on the past, present and future status of the state. The sessions were broadcast live over radio stations, and rebroadcast later on educational television.

Alaska appointed a group of citizens to the Alaska Growth Policy Council and charged them with involving the public in identification, analysis, and policy formulation on a range of developmental topics. Through statewide workshops, over 3,500 citizens became involved in recommending actions which the state should take.

During 1975-77, Massachusetts developed a growth policy report which involved volunteer efforts of over 5,000 members of local growth policy committees in 330 local communities. At about the same time, California also developed and adopted such a policy. Michigan is following suit.

These state innovations have been essentially one-time attempts to achieve state goals or to create state development policies through massive citizen participation. As such, they might be distinguished from the routine requirements for public hearing and notification which enable citizens to gain access to everyday governmental decisionmaking. At the state level, a combination of both formal citizen participation requirements for routine actions and major initiatives involving citizens in the development of state policies might maximize the opportunities for citizen involvement.

Other Specific Techniques

At least two other types of citizen participation have been expressly provided for by state law. One is the office of ombudsman, or other similar complaint-handling agencies, and the other is a permit procedure to protect the right for public demonstrations.

MODEL OMBUDSMAN ACTS

State ombudsman legislation has been enacted in Hawaii, Iowa and Nebraska (as of 1975),[60] and ombudsman types of complaint-handling offices have been established in Honolulu, HI, Seattle-King County, WA, and Jackson County, MO.[61] Other states and local governments also have more or less ombudsman-like complaint services to assist citizens in their disputes with their government. Model acts have been drafted at Harvard, Yale and Columbia universities, and by the American Bar Association Section on Administrative Law.[62] Federal antipoverty programs have been instrumental in much of this activity.

UNIFORM PUBLIC ASSEMBLY ACT

In 1972, following several active years of disruptive public demonstrations and other types of large public assemblies which disturbed the peace in many communities, and which led to litigation casting doubt on the effectiveness of local government efforts to control such demonstrations and assemblies, the National Conference of Commissioners on Uniform State Laws adopted a "Uniform Public Assembly Act."[63] This act "facilitates and protects the holding of public assemblies . . . subject only to such restrictions on time, place, and manner of conducting the assembly as are appropriate to safeguard the civil liberties of nonparticipants."[64] The act conforms to constitutional requirements and "attempts to maximize the possibilities that discussions and negotiations will occur between sponsors [of assemblies] and governmental authorities with successful results."[65] The need for such an act was pointed up by Justice Black in the 1969 Supreme Court decision in *Gregory vs. City of Chicago*, 394 U.S. 111.

Coordination of Citizen Participation at the State Level

ACTION, the federal agency for volunteer programs in both domestic and international affairs, and the National Governors' Association have cooperated in recent years in establishing state offices of volunteerism. In May 1976, such offices in 32 states formed a national organization known as The Assembly, through which they exchange information and experience, advise ACTION on state and national policies, promote citizen participation, and pursue related interests. Most of the state offices are in or closely related to their Governor's office and are receiving (or have received) funds from ACTION. As of February 1979, four states had dropped out of The Assembly and only 21 states were recognized by ACTION. Nevertheless, there is a substantial presence of citizen participation advocates in the central policy councils of many state governments as a result of this effort.

Governmentwide coordination of citizen participation at the state level is not highly developed, and descriptions of the efforts which are being made along these lines are not readily available from any source uncovered by ACIR. Informal contacts with individuals in state government, however, do indicate that there is some action of this type. For example, there is a recommendation in Rhode Island for an expanded effort which would be embodied in a new office of volunteerism and citizen participation,[66] and the special Governor's Task Force on Citizen Participation has made very far reaching recommendations for Montana.[67] The Montana recommendations are quite detailed and they cover formal "Rules for Citizen Participation for all Departments of State Government," recommendations for state publications (including a directory of state government, a "state government agenda" listing meetings of public interest, and a state periodical for publication of notices, proposed actions, appointments, and other information of public interest), recommendations for training in citizen participation, and 13 specific recommendations for new or amended legislation. If accepted, these provisions could have a substantial unifying effect on citizen participation at the state level in Montana.

CONCLUSIONS

This chapter has attempted to cover at least some of the more important elements of citizen participation at the state and local levels of government. In so doing, certain conclusions emerge regarding the effectiveness of state-local citizen participation, provisions, and processes.

- **Direct electoral action on policy questions is a major element of the state/local citizen participation process.** It covers both fiscal and nonfiscal matters, and supplements the usual controls over the election, reelection, and recall of individual public officials. The percentage of bond referenda, tax limit proposals, and miscellaneous nonfiscal issues voted down by the electorate in recent years exceed, for example, the percentage of incumbent Congressmen or Senators replaced, and probably exceeds the rate of turnover in state and local officials. No one argues that the electoral process is the same in these two cases, but the differences in effect are striking. Vetoing a bond issue prohibits any alternative (other than the status quo), while defeating an incumbent only assures a different representative. Strongly negative views of citizens can be clearly expressed by votes on propositions and, as noted earlier, the electoral process does provide an outlet which may be cathartic, if not always helpful to public officials.

States and local governments have responded to the electorate by choosing to place before citizens a large number of issues, many of which do not formally require voter sanction. Advisory votes are most common at the local level, but even some states place large numbers of matters before the public as a matter of policy. While not all states and local governments use direct citizen action in this fashion, most do to some degree. At times, the process of advisory or partially advisory referenda may lead states or localities to abandon the tough legislative process of resolving conflicting views.

In addition to voluntary referenda, of course, there are citizen-initiated and referred measures which often have a dramatic effect on governments. These maximize citizen participation, at least in principle, but often result in another form of group or special interest action. Such actions as initiatives, referenda, bond elections, and tax limit modifications are essentially mass citizen movements rather than mechanisms which support individual citizen participation. They are not a substitute for individual citizen participation, but they serve other purposes and cannot be ignored when evaluating the state/local participative system.

■ **Statutory requirements alone are not enough to ensure effective citizen participation.** This statement is nearly a truism. No one, or no set of requirements, can compel citizen involvement. In fact, the furthest anyone has gone is to argue that statutory requirements enable hitherto ineffectual or ignored groups to move into the arena of political participation. This appears to be what Congress intended the federal revenue sharing participation requirements to do. This chapter has shown cases where participation requirements do not work well. Public budget hearings, if one listens to the survey response, do not elicit a great deal more citizen participation than unannounced hearings. Some hearings had substantial attendance, with as many as 500 individuals in a few cases. But, it is likely that this would have occurred anyway, since many were town meetings where large turnouts are a relatively common pattern. Most meetings did not have a large number of attendees, with a median figure of 15.

Some of the written responses to ACIR's 1978 survey—such as Fort Worth's, TX, or Texarkana's, AR,—noted that a major effort by city officials did elicit added participation. These cases, however, involved efforts far beyond what legal requirements mandated. The survey data indicated generally that where local officials reported an increase in the amount of participation, changes in budget processes designed to elicit participation were more likely to have occurred. Cause and effect cannot be separated, but it does appear that changes in the budget process were as likely to follow citizen participation as to precede (and to facilitate) them.

This finding is strengthened by the fact that the computed group representation scores in *Tables 5-4 and 5-5* were not very closely, if at all, related to the 1975 record of openness in terms of budget hearing and public notice requirements. A history of openness in the local budget process did not assure high levels of group activity. The lesson here is that the complex of factors conditioning citizen involvement in the local budget process is not primarily a function of state law. This suggests that caution and realism should accompany the drafting of laws and written regulations on this subject.

■ **The normal budget process is not the best mechanism for eliciting meaningful citizen participation.** Because of its complexity, tediousness, and ties to previous commitments, the budget process is not usually the best mechanism for assuring vigorous citizen involvement in state or local policymaking. This is unfortunate, since the process lends itself to relatively simple statutory requirements such as hearings, published notices, and inspection of proposed and adopted budgets. But, the budget process really is not the key to the process of local or state decision-making. Rather, it is an end product in which the budget often merely represents previous commitments to long standing programs, and responses to citizens and other views expressed throughout the year.

It is, of course, the final statement of a

332

jurisdiction's spending priorities for the coming year, and citizen action can determine a number of priorities at the time the budget is adopted. While participation requirements (preferably by state action but necessarily by federal actions for the use of federal funds) are essential, their existence does not assure participation in the state/local decisionmaking process. They are, at best, part of a "participative system" of which probably only a portion can be mandated or formalized.

Other frequently more effective means exist for creating an environment for participation in budget related activities. These include the creation of citizen budget advisory committees which operate during the year; long-term planning and goals committees with citizen members, which seek to develop priorities that guide the budget process (this is what the state policy and planning innovations essentially were); and capital expenditure citizen commissions, whenever a state or locality has a capital program which allocates expenditures to a given fiscal or budget year. None will work without the support of the affected staff agency, but they are at least as important in shaping the budget process, as the procedures relative to the process itself.

- **Multiple requirements such as budget publication and hearings, fiscal notes, initiatives, referenda, and sunshine or open meeting laws maximize the opportunity for organized groups to affect the political process.** Group representation, which is often what really occurs in the *political* participation process, is maximized by most *citizen* participation requirements and practices. To the extent that previously ineffectual or unrepresented groups are now part of the participation system, the requirements have served a useful purpose. In recent years, middle class groups such as Common Cause and environmental groups have received much notice, but other groups who are producer oriented, as well as consumer oriented also have been effective. Group representation of interests, of course, is typical of the American political system, but this is not what many advocates of citizen participation have in mind. Yet, many present participation requirements have the effect of strengthening organized individuals and interests. Many existing practices, such as the initiative and referendum, are subject of group "capture" and this raises the specter of minority manipulation.

Citizens, of course, have a good deal of individual power. All electoral participation, such as a bond referenda, is determined by individuals at the ballot box. In the budget process, individual voices are often rather influential, particularly if they are informed and expressed at the right time (which may not be during a hearing). Membership on advisory commissions or committees is also an effective way of affecting policy. The point here is not to understate the influence of individual action, but to note that many requirements which seek to increase participation are at least as likely to increase group access as individual access. This is also true of much existing practice at the state and local levels, where, for example, many initiative procedures require extensive management and coordination to obtain the necessary signatures, inviting narrow interest groups to try to place their measure directly before the public. Individuals may decide, but groups usually propose.

Any attempt to increase participation through federal mandates should consider the nature of existing practices in the given state and locality and the implication that the requirement(s) will have on group as against individual opportunities for participation.

FOOTNOTES

[1] Floyd Hunter, *Community Power Structure*, Chapel Hill, NC, University of North Carolina Press, 1953, was the first work to dramatize the question, although a number of works since then have dealt with this issue in various cities—including but not limited to Atlanta, New Haven, and other communities of various sizes. V. O. Key's *Southern Politics*, New York, NY, Alfred A. Knopf, 1949, suggests the type of participation applying to one group of states in the 1930s and 40s.

[2] Congressional Research Service, "Memorandum to House Intergovernmental Relations Subcommittee," Washington, DC, Library of Congress, December 30, 1975, pp. 1-2.

[3] Municipal Finance Officers Association, Newsletter, Chicago, IL, Municipal Finance Officers Association, April 4, 1977.

[4] Patricia Arnaudo and Terry Pell, *Citizen Participation in the Executive Budget Process: The Washington, DC, Experience*, Urban Data Service Reporter, Vol. 6, No. 6, Washington, DC, International City Management Association, June 1974.

[5] U.S. Senate, Committee on Finance, Subcommittee on

Revenue Sharing, *General Revenue Sharing Hearings*, 94th Cong., 1st Sess., Washington, DC, U.S. Government Printing Office, April-May 1975, p. 146.

[6] Lane W. Lancaster, *Government in Rural America*, Princeton, NJ, D. Van Nostrand Company, Inc., 1952, p. 37.

[7] Bureau of the Census, U.S. Department of Commerce, *1977 Census of Governments*, Vol. 1, *Governmental Organization*, No. 1, Washington, DC, U.S. Government Printing Office, 1978, p. 3.

[8] *Ibid.*, p. 21.

[9] *Ibid.*, p. 3.

[10] Russell W. Maddox and Robert F. Fuquay, *State and Local Government*, 2nd ed., Princeton, NJ, D. Van Nostrand Company, Inc., 1966, p. 533; James W. Fesler, *The 50 States and Their Local Governments*, New York, NY, Alfred A. Knopf, 1967, p. 519.

[11] Orren C. Hormell, *Budget-Making for Maine Towns*, Bowdoin College Bulletin, New Series No. 64-1, 1961, p. 6, quoted in Lancaster, *op. cit.*, p. 43.

[12] Sidney Gardner and Georgiana Vines, *Governmental Capacity: State and Local Innovations*, Columbus, OH, Academy for Contemporary Problems, on behalf of the New Coalition, Spring 1977 (mimeo), p. 43.

[13] *Ibid.*, p. 44.

[14] Common Cause, *State Budget Program*, Washington, DC, Common Cause, mimeo, July 1975, pp. 7-8.

[15] The material in this section is taken from Anwar Syed, *The Political Theory of American Local Government*, New York, NY, Random House, 1966, pp. 78-86; and Herbert Kaufman, *Politics and Policies in State and Local Government*, New York, NY, Prentice-Hall, 1963, pp. 33-50. For a recent historical review of the use of initiatives, see Larry L. Berg, "The Initiative Process and Public Policy-Making in the States: 1904-1976," a paper presented at the 1978 annual meeting of the American Political Science Association.

[16] See *Chapter 2*.

[17] William Munro, ed., *The Initiative, Referendum and Recall*, New York, NY, D. Appleton, 1912.

[18] Additional information on specific states can be obtained from the *1977-78 Book of the States*, Lexington, KY, Council of State Governments, 1977.

[19] Information in this section is from the *National Civic Review*, New York, NY, National Municipal League, and *State Government News*, Lexington, KY, Council of State Governments, issues of 1972 through 1977.

[20] This history of property tax limitations is from the ACIR, *State Constitutional and Statutory Restrictions on Local Taxing Powers*, A-14, pp. 1-18, Washington, DC, U.S. Government Printing Office, 1962. New limitations since the late 1960s are discussed in ACIR, *State Limitations on Local Taxes and Expenditures*, A-64, Washington, DC, U.S. Government Printing Office, 1977.

[21] ACIR, A-14, *op. cit.*, pp. 61-62.

[22] ACIR, *Significant Features of Fiscal Federalism, 1976-1977*, M-110, Washington, DC, U.S. Government Printing Office, March 1977, Table 93, pp. 151-167.

[23] ACIR, A-64, *op. cit.*

[24] ACIR, A-14, *op. cit.*

[25] Information on state requirements is largely based on Lennox Moak and Albert Hillhouse, *Concepts and Practices in Local Government Finance*, Chicago, IL, Municipal Finance Officers Association, 1975, pp. 280-3.

[26] ACIR, M-110, *op. cit.*, pp. 83-91.

[27] National Center for Education Statistics, *Bond Sales for Public School Purposes, 1974-75*, Washington, DC, U.S. Office of Education, pp. 2-3.

[28] Montfort Barr and A.T. Lindsay, *Bond Issue Election Defeats in Western States 1966-76*, Bloomington, IN, Indiana University, School of Education, unpublished manuscript, 1968.

[29] *Ibid.*, p. 28.

[30] *Ibid.*, p. 29.

[31] John Horton and Wayne Thompson, "Powerlessness and Political Negativism: A Study of Defeated Referendums," *American Journal of Sociology*, Chicago, IL, University of Chicago Press, March 1972, p. 485.

[32] Jean J. Couturier, "Public Involvement in Government Labor Relations," *National Civic Review*, New York, NY, National Municipal League, Vol. 67, No. 7, July 1978, pp. 312-6, 348.

[33] Iowa State Association of Counties, *Public Access to the Legislative Process*, Des Moines, IA, Iowa State Association of Counties, 1974.

[34] Common Cause, *Open Government in the States*, Washington, DC, Common Cause, mimeo, 1978, p. 13.

[35] *Ibid.*, p. 9.

[36] *Ibid.*, p. 11.

[37] "Sunshine Laws in the Public Sector, *Midwest Monitor*, Part 1, Bloomington, IN, University of Indiana, School of Public and Environmental Affairs, September/October, 1977.

[38] This section is drawn from Lucille Amico, et. al., *State Open Records Laws: An Update*, Columbia, MO, Freedom of Information Center, School of Journalism, University of Missouri, mimeo, July 1976.

[39] *Ibid.*, pp. 46-7.

[40] Both of these models are provided in *ibid.*, Appendix B and Appendix C.

[41] National Conference of State Legislatures, *So the People May Know: Public Information in State Legislatures*, Denver, CO, National Conference of State Legislatures, March 1977.

[42] The "Model State Administrative Procedure Act" was adopted originally by the National Conference of Commissioners on Uniform State Laws in 1946, and a revised version was adopted in 1961. The definitive legal textbook on this subject is Frank E. Cooper, *State Administrative Law*, Indianapolis, IN, Bobbs-Merrill, 1965, 2 Vols. The "Revised Model State Administrative Procedure Act" is reproduced in the appendix of this textbook, pp. 797-824. It is quite parallel to the federal APA. The commentary on the Revised Model State Administrative Procedures Act recommends that the act be applied to city and county agencies as well as statewide agencies, but the extent to which this has been done has not been catalogued as far as ACIR knows.

[43] Excerpts from "State Administrative Procedures Acts" prepared by law students at Vanderbilt University in 1977 under the direction of Professor L. Harold Levinson. See also Assembly Staff, Administrative Regulations Review Commission, New York State Assembly, *Public Access to Rulemaking: A Comparative Study of the Federal and State Administrative Procedure Acts*, Albany, NY, State of New York, November 1978.

[44] Cooper, *op. cit.*, p. 806.

[45] *Ibid.*, p. 810.

[46] Robert J. Colborn, Jr., Administrator, Division of State Documents, State of Maryland, "Administrative Rules and Regulations Questionnaire Form: Compilation of Answers Received," undated.

[47] National Conference of State Legislatures, *Restoring the Balance: Legislative Review of Administrative Regulations*, Denver, CO, National Conference of State Legislatures, 1978. See also Council of State Governments, *The Book of the States: 1978-79*, Lexington, KY, Council of State Governments, 1978, pp. 52-3.

[48] John Rehfuss, "Political Development in Three Chicago Suburbs," a paper presented to the American Political Science Association, Annual Conference, Chicago, IL, 1971.

[49] Robert Brown and Donald Fish, "Recreation Planning and Analysis in Local Government," *1973 Municipal Year Book*, Washington, DC, International City Management Association, p. 38.

[50] Gregory Daneke, "Community Evaluation: Survey Research and Citizen Involvement," Blacksburg, VA, College of Architecture and Urban Studies, Virginia Polytechnic Institute and State University, unpublished manuscript, 1977.

[51] Two good examples are: Kenneth Webb and Harry Hatry, *Obtaining Citizen Feedback*, Washington, DC, The Urban Institute, 1973; and John Jackson and William Shade, "Citizen Participation, Democratic Representation and Survey Research," *Urban Affairs Quarterly*, Beverly Hills, CA, Sage Publications, September, 1973, pp. 57-90.

[52] Office of Program Planning and Fiscal Management, *Alternatives for Washington*, Vol. 1, Olympia, WA, Office of Program Planning and Fiscal Management, 1976.

[53] *Residents Gloomy on City's Future*, Chicago, IL, Chicago Tribune, October 15, 1975, p. 1.

[54] Urban Studies Center, *Community Priorities and Evaluations*, Louisville, KY, University of Louisville Press, 1977.

[55] *Public Opinion and Survey Summary*, Allentown, PA, Allentown Urban Observatory, circa 1976.

[56] James McDavid and Theodore Poister, "A Comparative Analysis of City Residents' Preferences for Increased Levels of City Services," a paper presented to the Annual Conference, American Society for Public Administration, Atlanta, GA, 1977.

[57] *Growth and Investment, New Roles for Citizens*, a Report prepared for the White House Conference on Balanced National Growth and Economic Development, Washington, DC, Council of State Planning Agencies, 1978, particularly pp. 8-10.

[58] *Ibid.*, p. 1.

[59] Academy for Contemporary Problems, *Experiments in Growth Policy*, undated draft reconnaissance paper prepared for the Office of Policy Planning, U.S. Department of Housing and Urban Development as input to the President's 1974 *Report on National Growth and Development*, Washington, DC, U.S. Government Printing Office, p. 47.

[60] Council of State Governments, *Suggested State Legislation: 1975*, Vol. XXXIV, Lexington, KY, 1974, p. 101.

[61] Stanley V. Anderson and John E. Moore, editors, *Establishing Ombudsman Offices: Recent Experience in the United States*, Berkeley, CA, Institute of Governmental Studies, University of California, Berkeley, 1972; and "Jackson's Ombudsman," *County News*, Washington, DC, National Association of Counties, April 30, 1979, p. 3.

[62] Council of State Governments, Vol. XXXIV, *op. cit.*, pp. 100-01; and Walter Gellhorn, "Appendix: Annotated Model Ombudsman Statute," pp. 159-73 in Anderson and Moore, *op. cit.*

[63] Council of State Governments, *Suggested State Legislation: 1974*, Vol. XXXIII, Lexington, KY, Council of State Governments, 1973, pp. 251-67.

[64] *Ibid.*, p. 251.

[65] *Ibid.*, p. 255.

[66] Letter of February 26, 1979, to ACIR from Steven Richards of the Rhode Island Governor's Office.

[67] Memorandum of September 7, 1978, to: Governor Thomas L. Judge, *et al.*, from: The Governor's Task Force on Citizen Participation, re: Proposals from the Citizen Participation Task Force.

Chapter 6

Findings, Issues, and Recommendations

The foregoing chapters have shown that citizen participation is an integral part of American life and thought, and that it takes many different forms at all levels of government in the United States. Not only have citizen participation processes been institutionalized at every level of government in the U.S., but they also have been transmitted from one level of government to another by specific mandates for greater participation. Thus, citizen participation has become a major intergovernmental issue.

The meaning of citizen participation is difficult to pin down, because it has changed greatly throughout the nation's history. These changes have been especially rapid during the 1960s and 1970s. The preceding chapters have shown that, even now, there is a wide gap between the theoretical benefits expected from participation and the benefits actually observed in practice. There is no perfect type of citizen participation; but, at the same time, there are means of expanding opportunities to participate in governmental affairs—at least marginally when and where this is deemed desirable.

The purpose of this chapter is to briefly summarize the findings from earlier chapters, to explore the issues they raise, and to present recommendations in response to those issues.

FINDINGS

The findings in earlier chapters may be summarized under four headings:

1) the evolution of participation in American public practice,
2) the diversity in forms and purposes of current participation,
3) federally mandated requirements, and
4) state and local requirements and practices

Participation in Practice: Its Evolution

• Expanding citizen participation in American government has involved three interrelated movements: (1) a continuing effort to expand the suffrage, stretching over a period of a century and a half; (2) perennial drives to reform the political processes by which candidates are nominated; and (3) repeated efforts to expand direct popular control of government(s).

• Expanding the suffrage involved enfranchising white males by removing property holding, taxpaying, and religious qualifications; abolishing the barriers to black voting rights; granting women the right to vote; and extending the suffrage to 18-year olds. Expansion of the suffrage is difficult to associate with many program enactments that specifically benefit a newly enfranchised group, however. Moreover, in recent years there has been an increasing tendency toward nonvoting.

• Democratization of the nominating process began with the movement in the early 19th century to replace largely informal devices, such as mass meetings and caucuses, with local, state, and national conventions; moved through the "Progressive Era" (1900-20) with emphasis on such changes as nonpartisan elections, party identification, state laws controlling internal party affairs, and, above all, direct primaries; and runs through to the recent period of reforms directed toward asserting the national parties' control over the membership of their own organizations and adopting more open procedures for selecting national convention delegates and assuring more representative conventions.

- The movement toward more direct popular control of governments—the last of the three major steps toward increased citizen participation—was marked by the elimination of "artificial" barriers to officeholding, expansion of the number of offices that are directly elected, democratization of the public service, the development of initiative, referendum, and recall procedures by which the electorate directly can make (or reject) laws or remove public officials, and the relatively recent emphasis on expanding the opportunities for citizens to influence (through participation in) administrative decisionmaking.

- Out of these democratization efforts have emerged at least two interpretative traditions. One views this record as the necessary and rational components of remaining faithful to the precepts of the Declaration of Independence (popular sovereignty, political equality, and individual liberty) while adapting to the exigencies of an evolving mass, heterogeneous, urbanizing, service-oriented, and increasingly bureaucratized society and system. Another, more conservative school of thought, concedes that some of the reforms produced significant results, but raises questions about their assumptions and real effects, including a tendency on the part of reformers to idealize the civic awareness of, and capability of, the American citizen to diagnose basic defects in the system largely in governmental (rather than social or economic) terms, not to anticipate undesirable side effects (long ballot and fragmented governmental structure) of some changes, to ignore the role of elites in "reformed" or "unreformed" systems (stemming from an unwillingness to grapple with the factors generating inequality), and to be naive about power and influence generally in a democracy.

Forms and Purposes of Citizen Participation

- In contemporary America, there are on the order of 31 different forms of participation being used by one or more segments of the population in their contacts with their governments. A few are traditional forms, with long histories of use, but most are much newer—coming into use largely since World War II, and by no means universally applied even now. In addition, 15 special techniques have been devised, mostly in recent years, and used in limited situations to enhance the two-way interchange of ideas between governments and the governed. Finally, at least five means of facilitating the people's involvement with government have come into limited use.

- The 31 forms of participation identified in this study are: *Organizational Forms*—(1) citizen groups, (2) special interest groups, (3) specific program clientele groups, (4) official citizen committees; *Individual Forms*—(5) voting, (6) being a program client, (7) making statements, (8) working in public projects, (9) campaigning/lobbying, (10) administrative appeals, (11) going to court, (12) demonstrations; *Forms of Information Dissemination*—(13) open government, (14) meetings/speaker bureaus, (15) conferences, (16) publications, (17) mass media, (18) displays/exhibits, (19) mail, (20) advertising/notices, (21) hot lines (22) drop-in centers, (23) correspondence, (24) word of mouth; *Forms of Information Collection*—(25) hearings, (26) workshops, meetings, conferences, (27) consultation, (28) government records, (29) nongovernment documents, (30) participant observers, and (31) surveys. The electoral processes determine representation of the voting public in a large share of the decisionmaking structures of government, and the outcome of the many issues put to referendum or initiative votes. Some appointive governmental bodies, like special purpose authorities and commissions or even some federal aid planning bodies, also have authoritative decisionmaking powers. Most of the other forms of participation listed here are advisory only.

- The 15 special interactive techniques are: (1) arbitration, (2) mediation, (3) coordinator/catalyst, (4) plural planning, (5) group dynamics, (6) focused group discussion, (7) policy capturing, (8) policy delphi, (9) priority setting,

(10) design-in, (11) game simulation, (12) interactive cable TV, (13) teleconferencing by computer, (14) real time computer polling and feedback, and (15) interactive computer graphics.

- The five means of facilitating participation are: (1) simplify and clarify the process; (2) provide citizen participation training to citizens, public officials, and staffs; (3) provide citizen participation and related staff to citizen groups and government agencies; (4) provide technical assistance to citizen groups and certain individual citizens; and (5) provide economic assistance and incentives for citizens to participate, including cost reimbursement and honoraria.

- The various forms of participation are being used, to greater or lesser degrees, to achieve eight specific purposes. These are: (1) giving information to citizens; (2) getting information from or about citizens; (3) improving public decisions, programs, projects, and services; (4) enhancing acceptance of public decisions, programs, projects, and services; (5) supplementing public agency work; (6) altering political power patterns and the allocations of public resources; (7) protecting individual and minority group rights and interests; and (8) delaying or avoiding the making of difficult public decisions.

These specific purposes all are geared in one way or another toward the two general and intertwined goals of (1) *changing governmental behavior* so that governmental units respond better to citizens' needs and desires, and refrain from the arbitrary, capricious, insensitive, or oppressive exercise of power; and (2) *changing citizen behavior* by (a) providing therapy to alienated and socially disturbed citizens, (b) affording participation opportunities for citizens through which they can exercise and enhance their vigilance over government, and (c) helping citizens to develop their participative and leadership capabilities. The same citizen participation processes which provide opportunities for citizens to sharpen their skills by exercising them also provide the means by which the government's performance is improved and its operations are kept open.

- A wide variety of different interests (participants) use the various forms of participation for their own purposes. These participants may be described as: *citizens*, including majority groups, minority groups, special interest groups, program clientele groups, press, voters, residents, ordinary citizens, individual program beneficiaries, indigenous employees, aggrieved parties; or *officials*, official advisory committees or commissions, governing bodies and elected officials, political appointees, the bureaucracy, and the courts. Typically, the specific purposes of information giving and getting are viewed by all participants as essential ingredients of effective citizen participation; while improving public decisions or programs, enhancing their acceptance, and supplementing public agency work are viewed more as "establishment" purposes, and those relating to altering political power, protecting individual and minority group rights, and delaying or avoiding difficult (or controversial) public decisions are seen more as "antiestablishment" ones. Roughly speaking, officials and satisfied citizens make the most of the establishment purposes and associated forms of participation, while dissatisfied citizens tend to use the antiestablishment ones.

Citizen Participation in the Federal Government's Own Activities

- The *Administrative Procedures Act* (APA) of 1946 and its "Freedom of Information" and "Government in the Sunshine" amendments set the minimum requirements for citizen access to, and involvement in, the federal administrative process. Public involvement is confined to specified points in administrative proceedings and the public is left to its own resources in influencing decisions. In effect, the APA limits the mobilized citizenry largely to middle and upper class organized interests able to obtain legal counsel on their own.

- In legislation requiring citizen participation enacted in the late 1960s and early 1970s, largely centering on environmental protection, Congress emphasized agencies' affirmative responsibility to encourage public participation, but usually did not specify a "target" population. This legislation assumes that most aspects of agency planning are open to public involvement and are subject to a variety of participation mechanisms. Programs covered by these requirements affect the whole population, unlike several key programs in the 1960s that were aimed specifically at the poor. Also, the legislation is not very specific in defining the operational meaning of this kind of involvement, and hence vests considerable discretion in federal administrators.

- In a general appraisal of citizen participation at the federal level in 1976, the Interagency Council on Citizen Participation concluded that: (1) authority and responsibility for citizen participation in government agencies are often unclear, deficient, fragmented, or nonexistent; (2) agency resources (personnel, expertise, funding, organization) for better execution of citizen participation are weak when compared with other agency responsibilities; (3) the policy, commitment, and initiative of agency leadership on citizen participation in the decisionmaking process have been of significantly uneven quality and priority; (4) the planning, execution, and evaluation of citizen participation programs are poor and often well below the known state-of-the-art; and (5) agency policy and practice in
286 citizen participation processes are unresponsive to the real needs and priorities of a large segment of the public.

- A 1977 Senate committee report on independent regulatory commissions found that participation by regulated industries predominates; the lack of financial resources is the greatest single obstacle to active public participation by potential participants; and nearly all regulatory agency advisory committees seriously lack representation of consumer and other broad public interests. The committee's recommendations included establishment of an independent nonregulatory consumer agency, creation of internal consumer advocate offices within major federal rate setting regulatory agencies, and legislation authorizing compensation to eligible persons for costs incurred in participating in certain agency proceedings.

- The Carter Administration has undertaken a number of initiatives on citizen participation, including support for a governmentwide office of consumer affairs, a directive to federal agencies to involve the public early in the regulation-development process, provision for greater involvement by neighborhood organizations and voluntary associations in implementing the Administration's urban program, strengthening of the White House Office of Consumer Affairs, and study of citizen participation as a part of the President's Reorganization Project.

- Other major participation techniques used at the national level include national advisory committees; special national advisory commissions, such as the Hoover Commissions on Organization of the Executive Branch of the Government; and White House Conferences, such as the recent Conference on Balanced National Growth and Economic Development.

CITIZEN PARTICIPATION IN FEDERAL GRANT PROGRAMS

- As of December 1978, 155 separate federal grant programs had citizen participation requirements, almost one-third of all grant programs accounting for over 80% of grant funds. Most of these requirements were of fairly recent origin—79% were adopted since 1970. Over half were in HEW, and about three-fifths of the HEW programs were in the Office of Education.

- Prescription of boards or committees and of their membership is the most usual type of mandate—found in 89 programs. Consumers or clientele served by particular programs are the most frequently represented interest. The boards or committees are confined to advisory powers except for 24 programs involving 17 separate committees.

- Public hearings are the next most commonly mandated participation mode and are most prevalent outside HEW. One of their drawbacks is that they come late in the development of a plan or programs.

- One-hundred-and-fourteen of the 155 grant programs mandate types of public involvement beyond boards/committees or public hearings. These vary with respect to the interests involved, the stage of decisionmaking affected, and the types of participation mechanism mandated, and include due notice of the preparation of a grant application or a plan, conducting workshops, and offering opportunities for giving testimony or review and comment.

- That more than two-thirds of federal grant programs are not subject to mandatory public involvement raises the strong presumption that citizen participation is not consistently mandated by the federal government. Actually similar programs within the same department or agency, or programs in the same functional area, or programs dealing with like phases of the decisionmaking process differ in respect to whether they do or do not require citizen participation. In addition, programs that do mandate citizen participation differ widely with regard to the types of mechanisms employed and the detailed application of those mechanisms.

CITIZEN PARTICIPATION IN SELECTED GRANT PROGRAMS: FIVE CASE STUDIES

- 1975 legislation requiring citizen involvement in community health centers (CHCs) had little direct effect upon the actual extent of citizen participation. CHCs were converted from neighborhood centers established under the community action and model cities programs. Under the latter two programs, citizen participation had already been required.

- Federal requirements produced increased participation in the Title XX (social services) program. Producers and organized groups such as day care centers and family service agencies were influential, but not as much as Governors, administrators, and legislators. The program failed to meet the citizen participation objective in one area—involvement of the poor and unorganized.

- The requirements for public participation are more carefully spelled out in the Coastal Zone Management legislation and its regulations than in most federal programs. This is due to Congress' concern with specifying the nature and type of participation in this area. In California and Oregon, the federal requirements were not of truly major significance, because federal legislation was preceded in both cases by state requirements for public participation, such as extensive hearings, advisory committees, and in California a statewide vote on coastal management. Participation requirements that are comprehensive and explicit as to procedures to be followed and interests to be represented seem well advised where, as in the case of coastal management in Oregon and California, a range of groups have an interest in a highly competitive arena.

- The Community Development Block Grant (CDBG) legislation and legislative record leave recipient localities wide discretion concerning the methods to be used in meeting citizen participation requirements, yet indicate that the citizens of principal concern are the low and moderate income residents of affected areas. HUD's second annual report on the CDBG program found 27% of the cities were unsatisfactory in representation of low-to-moderate income groups on advisory boards. Eighty percent of the localities reported that citizen participation was an important influence on selection of activities and 43% indicated that it influenced the level of social service expenditures. Seventy-eight percent of the citizen recommendations relating to their city's choice and location of CDBG activities or projects were accepted completely. However, complaints on the citizen participation process were the most frequent of all complaints received on CDBG. Overall, HUD reported that there was a tendency toward dissatisfaction with the citizen participation process. Congressional witnesses on renewal of CDBG legislation demanded additional citizen participation, particularly for low income groups and affected neighborhoods. A Brookings Institution study of the original legislation was not as critical, finding that the extent and mode of participation did not reflect the actual influence it exerted on local decisions. The effectiveness of the citizen participaton mechanism was found to be largely dependent on the attitudes and efforts of public officials. The Brookings study also found that generalist officials, particularly the chief executives, tend to use CDBG funds to build support throughout their constituencies. This has a negative effect on any tendency to concentrate funds on target neighborhoods.

  In general, assessments are mixed on the impact of the CDBG participation requirements. Some observers found the requirements being met; others found deficiencies. HUD and Brookings found that citizen participation was influencing the selection of activities and the level of social service expenditures, yet, dissatisfaction still was voiced. Finally, it is not possible to say with certainty that the federal law and regulations caused improved participation. The major variable seems to be the attitudes of local elected officials.

- The original 1972 General Revenue Sharing (GRS) legislation had few citizen participation requirements. The many studies of experience with those requirements reached an ambiguous range of conclusions, from "impossible to document," through "no effect," and "a significant increase in participation," to "increased participation in certain cities, no increases in others." In communities that reported increased participation as a result of GRS, few if any saw any real impact on local decisionmaking.

The 1976 extension of GRS legislation added requirements for hearings, notice, publication of budget decisions, and opportunities for senior citizens' participation. The new requirements had little effect on state budget practices. An ACIR-ICMA survey of cities and counties indicated that they generated a modest increase in citizen involvement in the local budget process. A large portion of the localities already had been offering participation opportunities (especially public hearings) before they were mandated by the GRS program. Responses from state and local officials suggest that their jurisdictions will increase their efforts to involve their citizens in decisionmaking related to GRS, especially by reaching out to senior citizens and giving more publicity to budget hearings and decisions. Even if these changes occur, however, it is an open question whether they will be lasting.

A large percentage of local officials indicated that citizen participation measurably affected the priorities within their government's general budget. Yet, other evidence cast doubt about the impact. Many felt that citizen participation comes too late in the budget process to affect decisions, while others thought the participation opportunities were primarily exploited by special interest groups.

If the new citizen participation requirements in GRS produce greater support for the allocation of GRS funds to social or human services, criticisms of GRS by liberal and minority groups might tend to subside while local officials might assume a more antagonistic stance. This issue will become especially important if Proposition 13-type spending retrenchments become more widespread.

SOME GENERAL STUDIES

- A major problem in assessing the status of citizen participation in federal grant programs is the dearth of good evaluation studies. Yet, there are a few recent studies that appear carefully researched and reasoned.

- A Rand study of HEW programs, mainly through analysis of case studies, found that advisory committees influence the conduct of local public activities and services, and that the amount of impact depends on the committee's possession of staff, power to investigate grievances, and power to influence budgets. Rand found further that participation in committees does not basically alter citizens' general feelings of estrangement or alienation toward their government. Finally, Rand reached the conclusion that participation on committees does not adversely affect program effectiveness.

- Rand found a wide variation of citizen participation requirements in HEW programs, due to the range of programs and the lack of an overall citizen participation policy at the departmental or agency level. Vagueness as to precise forms of participation in the formal requirements led to establishment of only nominal types of citizen participation, and increased dependence on staff discretion in determining the form and content of participation. The actual amount and quality of citizen participation in HEW programs was unknown, as was the general impact of citizen participation activities. This lack of knowledge stemmed from the absence of systematic monitoring or enforcement procedures.

- A study of eight federally aided municipal services by the TARP Institute and the University of Michigan's School of Public Health also sought to evaluate citizen participation from the threefold perspective of (1) citizens' influence on the decisionmaking process, (2) the effectiveness of municipal program performance, and (3) the effect on citizen attitudes. On each score, the study found variations among the services aided. The influence of ordinary citizens was positively felt only in neighborhood health centers; in other services, middle class or elite groups exerted influence. Program performance was positively affected in four of the eight service areas. In several cases, evidence was found of changes in citizen attitudes due to public participation, while in others, specifically education and welfare, changes were noted but with reservations.

In general, the TARP-Michigan study found that citizen participants were middle class or upwardly mobile members of lower income groups who tended to be active in more than one municipal system. They concluded that: (1) citizen participation is least effective in the later stages of planning; (2) the structural complexity of a municipal service system has more to do with the levels of citizen influence than the type of participative mechanism; (3) citizen participation plays a limited role in the determination of municipal service performance and little evidence exists of influence over budgetary allocations; and (4) the evidence is weakest on whether citizen participation has any impact on citizen attitudes.

- A National Science Foundation funded report analyzed 215 case studies involving five municipal functions. The use of citizen boards and indigenous paraprofessionals was probed. Five outcomes were examined, three of which corresponded to those used in the Rand and TARP-Michigan analyses. Only increased client control was found to be associated with increased levels of participation. Citizen boards were found to be most successful in achieving client control when the board possessed authority to sign off on grant applications or service decisions, to plan for new programs, to investigate grievances, to review expenditures or budget requests, to review personnel actions, and to supervise paid staff.

- The ACIR-ICMA survey of local officials revealed that citizen participation did not tend to influence local government to drop staff-developed grant proposals but rather tended to encourage localities to submit grant proposals. A substantial portion of the respondents reported that their jurisdictions were persuaded by citizen participation to continue support for a function or activity after federal funding had ended, while only a few cases arose where citizen interests caused the unit to drop a service or program once the federal grant terminated. The survey concluded that citizen participation mechanisms do not tend to reduce a local government's fiscal involvement once a program is underway.

State and Local Requirements and Practices

STATE OPEN MEETING LAWS

- All 50 states now have open meeting laws; such laws first began to be enacted in 1967, and have spread rapidly.

- State open meeting laws apply to state legislative committees, state executive branches and independent agencies, and local governments in all 50 states. They also apply to floor actions of the legislatures in 46 states.

- These laws have specific limitations on the use of executive sessions by multimember governmental bodies in all 50 states; provide for prior notice of the meetings of such bodies in 42 states; require that minutes of such meetings be kept for public information purposes in 37 states; and provide for enforcement by (a) personal sanctions against individual violators in 35 states, (b) voiding the actions resulting from improper meetings in 31, and (c) giving citizens the legal standing to sue violators in 35.

STATE ADMINISTRATIVE PROCEDURES ACTS

- Forty-eight states and the District of Columbia have administrative procedures acts. These apply to virtually all state administrative agencies and to an undetermined number of local governmental agencies.

- In 46 states, the administrative procedures acts have one or more provisions governing rulemaking by administrative agencies. Forty-five states and the District of Columbia provide for notification about rulemaking procedures; 42 states and the District of Columbia provide an opportunity for citizens to present their comments in either written or oral form; and 38 states authorize citizens to petition agencies for rulemaking action.

- Despite the existence of a model act, there is substantial variation not only among the major provisions for rulemaking, but also on such details as the length of time for notice before actual rulemaking will occur, the procedures for accepting comments, and the procedures for agencies in responding to petitions requesting rulemaking action.

- Twenty-five states have a regular publication similar to the *Federal Register* in which they notify the public of rulemaking actions and publish administrative rules or information about their availability; 26 states codify their administrative rules and regulations; and 24 provide instruction to agency personnel involved in rulemaking.

- Thirty-four states have formal procedures whereby the legislature reviews the regulations developed by state administrative agencies pursuant to state legislation. Such review may be advisory only, or it may allow for disapproval or delay of a regulation.

MISCELLANEOUS PROVISIONS FOR CITIZEN PARTICIPATION

- At least three states—Hawaii, Iowa, and Nebraska—and a few localities have established ombudsmen offices or similar complaint handling services to assist their citizens in disputes with the government. Several model acts are available for this purpose.

- A Uniform Public Assembly Act is available to assist state and local governments in facilitating and protecting citizens' rights to hold large public assemblies, subject only to such restrictions on time, place, and manner of conducting the assembly as are appropriate to safeguard the civil liberties of nonparticipants.

- As of 1976, 32 states had established state offices of volunteerism. Most are in, or closely related to, the Governor's office and provide a substantial presence for citizen participation advocates in the central policy councils of state government, in addition to providing the services of volunteers in state government.

- At least one state—Montana—has had a comprehensive set of recommendations dealing with the whole field of citizen participation in state government proposed to it by a high level task force.

PARTICIPATORY REQUIREMENTS IN THE LOCAL BUDGET PROCESS

- Forty states (as of 1975) require local budget hearings or publication of notices about proposed budgets, and even in the ten states where such state requirements do not exist, local budget hearings are held about as often as the average of the other states. More specifically:

  —In 35 states, citizens or taxpayers had some access to the municipal budget process.

  —In 30 states, citizens or taxpayers had some access to the county budget process.

  —In 23 states, citizens or taxpayers had some access to both the city and the county budget process.

  —In 38 states, publication was required giving notice of a proposed budget and/or budget hearings before a final budget could be adopted for a city or county; in one other state, the proposed county budget was open for inspection before final adoption.

  —In 32 states, statutes expressly required public hearings before city or county budgets could be finally adopted; one other state provided for an election to enact the city budget, while two others provided for written complaints or petitions to protest items in a proposed city or county budget.

SURVEY FINDINGS

- Sixty percent of municipal and county officials polled in 1978 reported that participation in the local budget process usually was through formal mechanisms such as hearings and advisory committees; nevertheless, 52% said there was "very little" actual participation in the process by citizens; only 7% reported "a great deal" of participation. Fifty-four percent of municipal officials, and 65% of county officials desired greater citizen participation in their jurisdiction's budgetmaking, while only 2% desired less.

- Organized groups participated in over 80% of local budget hearings, according to the 1978 survey; the average number of groups was 2.7 for municipalities, and 3.2 for counties. Senior citizens were the most frequently represented group at municipal budget hearings, followed in order by social service groups, the League of Women Voters, business and industry groups, neighborhoods, racial or ethnic groups, taxpayers, homeowners, and others. The rankings were similar for counties, except that taxpayer groups were stronger, ranking fourth.

- About 47% of municipalities and 44% of counties in the 1978 survey reported that they provide staff assistance to citizens wishing to participate in the budget process; these figures rose to over 50% for localities having managers or chief administrators.

- In their narrative responses to the 1978 survey, many localities expressed doubts about the effectiveness of citizen participation in the formal budget process. Most comments cited such factors as the late stage at which hearings are held, the other processes throughout the year which pre-determine budget commitments, the complex and deadening nature of the figures, low motivation of the average citizen in overall budget matters, and the dominance of special interests. More positive, but less frequently expressed, comments stressed participation in the budget process as a culmination of a year-long process of interaction between organized and assisted citizen groups and their local government.

- Perhaps the brightest spot in budget participation is the experience of localities having the town meeting form of government. Eighty-six percent of these localities reported "a great deal" or "a moderate amount" of citizen participation in the local budget process, compared to 49% for the next highest reporting category of local government (council-manager communities).

STATE BUDGETING PROCESSES

- Of the 50 states, 29 have annual budgets, while 21 have biennial ones.
- Most state budget processes are not especially well geared to citizen participation. Only 17 states provide for hearings in the preparation of the Governor's budget, and even in these cases the hearings are largely for state agency and legislative participation. The legislatures in 37 states, however, do hold budget hearings which usually involve the general public, while private organizations have access to the legislative budget process in 44 states.

INITIATIVES AND REFERENDUMS

- Direct balloting to decide at least some public policy issues is used in most states and localities, though the authorizations for such voting vary greatly among the states. Advisory votes also are common at the state and local levels.
- Direct balloting on issues can be initiated by citizen petition for amending the state constitution in 17 states and for enacting new state and local laws in 13 states. In five states, citizen initiatives can force the state legislature or local governing body to consider new legislation. In three states, citizen initiatives can be used both to enact new laws and to refer statutory proposals to the legislature or local governing body. Eleven states provide for citizen initiatives only on local issues. Thus, the total number of states authorizing some form of statutory initiative is 32.
- Forty-two states provide for the use of referenda to confirm legislative actions through popular balloting. In 35 of these states, both state and local laws (for at least some classes of localities) are subject to referendum. Four states apply the referendum only to state legislation, while three apply it only to local laws.
- Fifteen states have all the forms of initiative and referendum, including initiatives to amend the constitution and pass laws at both the state and local levels, and referenda to confirm laws at both the state and local levels.
- Many states have special provisions for referenda in fiscal matters. Thirty-seven states have local property tax rate limitations, and three-quarters of them (27) have some provision for local referenda to allow the limit to be exceeded. States commonly submit their proposed long-term general obligation bond issues to referendum, and 45 states require local referenda to authorize local bonds of this type.
- About 35% of both municipalities and counties, responding to a 1978 survey, reported voting on local tax limit changes during the three-year period of 1975-77. Nearly 20% of the municipal referenda and 25% of the county ones were initiated by citizen action. Bond referenda in this same period were held by over 28% of the municipalities.
- Thirty-four state constitutional amendments were initiated by citizens in the 1970-75 period.
- Referenda on nonfiscal issues were held by about 28% of surveyed municipalities in 1975-77.

ADVISORY COMMITTEES

- Municipalities and counties both make heavy use of citizen advisory committees. Ninety-five percent of those responding to a 1978 survey, reported having one or more such committees, with 11% having 20 or more.
- The average municipality had 1-5 committees with 25-49 citizens on each. About half of the municipalities had more than 50 citizens altogether serving on such committees, and 105 cities

reported that the total number of citizens serving was in the range of 200-500.

- The average county also had 1-5 such committees, with an average of 50-99 members on each. Thus, county committees tend to be larger than municipal ones.

- Citizen advisory committees are required at the local level by 53 federal aid programs, and at the state level by 34 such programs.

- Local planning commissions, most having largely advisory roles under state law, numbered about 800 in a 1970 count.

CITIZEN SURVEYS

- Over 50% of large cities and counties (including cities over 100,000 in population, and counties over 250,000) use citizen surveys to provide representative samples of citizen views, helping to balance the often unrepresentative element of participation found in public hearings and some other commonly used forms of participation.

MAJOR ISSUES

Citizen Participation and Representative Democracy

In the representative form of democracy prevailing in the federal and state governments, and all but a few local governments (certain towns and townships), voters elected their representatives to make governmental decisions for them. Elections also are used in select instances where the voters make policy decisions directly through the initiative and referendum, and elected officials sometimes share their power with appointed bodies (like some special districts) which have been given authoritative decisionmaking powers. Voting for officials—in both the nominating and electoral processes—and on ballot issues is the fundamental form of citizen participation upon which representative democracy rests.

The general type of citizen participation on which this report is focused, however, is not this type of citizen involvement, but rather citizen participation in governmental affairs outside the electoral process. This raises basic questions: How does, and should citizen participation relate to the fundamental representative form of our government? Does participation outside the electoral process interfere with, and undermine elected officials' exercise of their constitutional powers and responsibilities? Or does it actually support and complement their constitutional role?

The overview of the contemporary scene in *Chapter 3* identified eight specific purposes of citizen participation: (1) giving information to citizens; (2) getting information from or about citizens; (3) improving public decisions, programs, projects, and services; (4) enhancing acceptance of public decisions, programs, projects, and services; (5) supplementing agency work; (6) altering political power patterns and the allocations of public resources; (7) protecting individual and minority group rights and interests; and (8) delaying or avoiding the making of difficult public decisions. Among the more general objectives of citizen participation toward which these specific objectives work is the reduction of the citizen's sense of alienation from government. On the surface most of these seem clearly compatible with, indeed, indispensable to, the effective functioning of representative democracy, but some observers raise questions about it. Moreover, a deeper probe raises further doubts about the compatibility of some of them.

A full and free interchange of information between the people and their elected representatives, as well as between the people and appointed administrators, clearly is essential to responsible and well informed public decisionmaking and to responsive government. The decisionmakers need to know what the public wants and how the decisions they make work out in practice. For their part, citizens need to know what the officials are doing so that they can hold them responsible. The public also must know the reasons for governmental decisions if they are to retain confidence in the soundness and equity of those decisions.

The purist supporters of representative democracy who stress the primacy of citizen participation through the electoral process contend that the most important channel by which citizens can communicate information to officials is through the ballot—when they choose their representatives or express themselves on policy issues in referenda. Supporters of other kinds of citizen participation as an essential information conveyor, on the other hand, point out the impossibility of sending a clear message on a multitude of issues by voting for candidates, or of "instructing" a candidate on how to vote on an issue that may not have emerged yet, or of conveying information through this means to the bureaucracy, where important policy decisions are increasingly made. As for referenda, they note the frequency with which they are used for votes on relatively minor issues. On the entire issue of the electoral process as the channel for registering the public's views, moreover, these advocates of citizen participation stress the low rate of voter turnout in all kinds of elections. The limits on voter eligibility, such as age and residence, they contend, further diminish the value of the voting process as an adequate, let alone exclusive, means of registering the sense of the public on issues that are constantly expanding in number and complexity. On the other hand some argue that the risk of losing elections has risen in recent years for elected officials who ignore or downplay advisory citizen participation processes.

There are limits, however, on how full and free the information interchange can be through citizen participation outside the electoral process. One is the constraint of costs—it makes a difference whether notices of public meetings must be published in five daily newspapers instead of just one, whether proceedings of meetings must be published at all, or whether the public must be charged for the cost of duplicating records, to cite only a few examples. These are the types of issues raised about freedom of information provisions. Another constraint concerns interference with the expeditious handling of the public business, a matter which particularly concerns conscientious administrators. Keeping the general public, or select advisory committees, advised of governmental actions at all of the main points in the legislative and administrative process can delay final action to the point of effectively denying some or all of the benefits the program is intended to convey. Opening up all meetings as required under "sunshine acts," according to some, puts a damper on frank expression of contending views and encourages opposing forces to take positions more "for the record" rather than for the purpose of working out reasonable compromises.

"Improving public decisions, programs, projects, and services" and "supplementing agency work" are also desirable goals, but are again subject to the restraints of cost and possible undesirable slowing down of the governmental process. In connection with supplementing agency work, as in the use of paraprofessionals or volunteers, another aspect of cost arises, namely, the need for the affected agency to provide supervision and instruction. Staff assistance, indeed, is needed in every form of citizen participation, especially in the use of advisory committees and in the holding of public hearings—the two major forms of citizen participation.

Another kind of cost issue arises when it is necessary to enlist participation of persons with low income. If their participation is to be more than token, it may be necessary to reimburse them for travel, baby-sitting, time off from work, and other economic costs. In addition, there are costs of employing legal and technical experts for proper representation involving highly complex issues before administrative bodies, particularly the independent regulatory commissions. Those costs are willingly borne by the special interests most directly involved in the deliberations of the administrative tribunal, but not easily borne by groups more representative of the general public interest or by economically and socially disadvantaged groups.

Another purpose of citizen participation—"enhancing acceptance of public decisions, programs, projects, and services"—is a sound objective when it leads to citizen satisfaction, stability, and popular support for, and confidence in, the elected and appointed officials. On the one hand, some officials may try to use citizen participation to "sell" a decision or program which on its own merits would not stand public scrutiny. In other words, citizen participation can be manipulated contrary to the general public interest.

One way in which this can happen was demonstrated in the TARP-University of Michigan evaluation of citizen participation in local education. It found that the various educational advisory committees developed citizen leaders, but the latter achieved influence only to the extent that they accommodated their views to those of the professional and administrative elite with whom they had to deal. In the end, their feeling of having influence (when they actually did not) was an exercise in self-deception with possible adverse effects on long-term efforts to make needed changes in school policies.

Another facet of this problem is reflected in the case study of early experience with the Community Development Block Grant. The relatively unrestricted nature of the block grant mechanism strengthened the hand of the chief executive and his top generalist administrators as against specialists in such fields as housing and public works. With a view toward building a broad base of political support, chief executives naturally tended to spread the CDBG funds as widely as possible throughout their communities, instead of concentrating them within the areas of highest need. For the same reason, they tended to encourage participation across the spectrum of neighborhoods and economic groups instead of giving special attention to the low income and otherwise needy.

The objective of "altering political power patterns and the allocations of public resources" clearly constitutes the greatest threat to established governmental authority. The determination of political power patterns is the essence of the electoral process, as the power to allocate public resources is at the heart of the power to govern. Yet, those may be legitimate objectives of citizen participation in certain select situations. Such a situation exists when it appears that certain groups who are the intended beneficiaries of governmental programs will not in fact be the beneficiaries if normal political processes are left to play themselves out. The poor and unorganized most commonly fall in this group. They are often poorly prepared, psychologically and otherwise, to protect their interests in certain governmental programs presumably "targeted" to their needs.

Policymakers may consider it necessary, in some instances, then, to invest the chosen representatives of the targeted groups, who are outside the regular electoral process, with some measure of actual authority to control the distribution of benefits under a program. In like manner, under the Community Development Block Grant program, to assure that the program's objective of giving high priority to disadvantaged neighborhoods is met may require giving some real authority to neighborhood-chosen bodies, lest the distribution of the available funds be influenced too much by interests—such as real estate, retail trade, and organized labor groups—who, under the normal "policical power pattern," exercise great influence over publicly supported community development.

Citizen participation having an advisory purpose as well as the extraordinary arrangements for the protection of certain target groups (noted above) raises the broader issue relating to the exercise of power. This, of course, is: Who are the citizens who participate? In many programs the law or regulations identify who they shall be. In others, their identity is left unspecified and sometimes this is in programs intended to benefit the more vulnerable sectors of society. Indications are that these people, more times than not, are crowded out by middle income or other groups not basically representative of the program beneficiaries. Where spokesmen for the less advantaged do emerge, they tend to be upwardly mobile persons, who may not accurately reflect the group they represent. Generally speaking, well organized, alert, narrowly oriented economic or professional interest groups tend to be over-represented.

The issue, "Who is the citizen who participates?" was raised in several of the programs reviewed in this report. In the Title XX (social services) program, considerable difficulty was encountered in obtaining widespread involvement by low income consumers of social programs. In the Community Development Block Grant, at least in the early years, much dissatisfaction was voiced with the alleged under-involvement of lower income groups in a program wherein Congress clearly intended to give those groups and their urban neighborhoods priority attention. The TARP-University of Michigan review of citizen participation in eight federally aided municipal services found that citizen participants generally were middle class or "aspiring" members of lower income groups. The influence of "ordinary" citizens was positively affected only in neighborhood health centers. In the most active program of citizen participation—Community Action/Model Cities—participation involved mostly middle class citizens and those with prior leadership experience. Business influence was predominant in urban renewal; providers tended to dominate health planning; and such citizen leadership as was developed in education had to accommodate to the professional/administrative elites.

The ACIR-ICMA survey of local officials generally found that citizen participation had an expansionary effect on localities' expenditures. This was evidenced by the disinclination of citizen participants to influence local governments to drop staff-developed grant proposals, the substantial number of respondents reporting that citizen participation stimulated localities' involvement in new grant proposals, and the large number who reported that citizen participation resulted in continued funding of a service or program from local funds after the federal grant source had been terminated. These findings suggest that, in a period of diminished confidence in government and demands for restraints on the public sector, citizens participating through formal participation mechanisms are likely to be more expansionary than the public-at-large. This effect seems natural in view of the fact that participation usually is in a narrow program area and the persons likely to become involved are those who have an interest in improving or expanding that program.

The citizen participation goal of "delaying or avoiding the making of difficult public decisions" also has its pluses and minuses, depending upon whether it is in the highest interest of the government to delay or avoid difficult decisions. Delay is salutary when it means improving the calibre of the decision and its implementation. A delay conceivably also can provide time for the problem involved to move further toward resolution without additional or massive governmental action. On the other hand, postponement of decisions can be a real disservice when it adds to the ultimate cost of a program or project, or when it means putting off the provision of urgently needed services or the resolution of a troubling issue, or when it becomes a convenient way for responsible officials to escape their responsibilities for making hard decisions.

Finally, the goal of "reducing citizens' alienation from government" through citizen participation is entirely compatible with an effectively functioning representative democracy. Whether citizen participation actually reduces citizen alienation is another matter, of course. Several of the evaluation studies reviewed in this report dealt with this issue. The Rand-HEW report concluded that citizen's feelings of alienation (lack of trust in government and feelings of powerlessness) are not likely to be reduced by greater participation. People may feel greater confidence in their ability to affect a particular program, but not to affect government generally. The TARP-University of Michigan study found more positive evidence of reduced alienation but, as in the Rand-HEW report, concluded that this change was tied to specific programs rather than to an attitude about government in general. One of the studies, however, underscored that these findings were the weakest of those made in its evaluation.

Actual experience with citizen participation in reducing citizen alienation, as well as in relation to its other declared purposes, suggests a final point bearing on its relationship to the basic political process and to making representative democracy function effectively. This concerns the need for realistic expectations about its results. Experience cited in this report indicates that the impact of different kinds of citizen participation is varied, but overall it is modest. Undoubtedly this is due to some extent to the constraints cited earlier—the direct costs of providing a full and free flow of information, and the intangible costs of delaying the delivery of service. Responsible officials cannot be expected to be unconcerned about these costs for the sake of a response to the demands for citizen involvement.

Some of its most avid champions expect that they are going to influence officeholders to make major changes in policy, that they actually are going to make decisions themselves, or even that they are going to achieve a transformation of the system. Citizen participation outside the electoral political process can basically be only advisory, except where ordinary political processes do not assure an adequate voice for certain groups, particularly the politically impotent and the disorganized. In other instances, expectations about influencing or controlling public decisions must be kept in realistic perspective. Any other course can lead to frustration and discouragement for engaging in any kind of participation, with a consequent real loss in government effectiveness, and disillusionment and possible further alienation from all government activities.

To summarize, then, the objectives of citizen participation outside the electoral process and the way it works in practice are in many respects essential to the effective conduct of a representative democracy. Without such citizen participation, there would be a serious gap between elected and appointed officials and the people who have chosen the former to govern. Some say, moreover, that the resort to direct citizen participation in the electoral process through the initiative and referendum in some cases may be due to voter disenchantment with sole reliance on their elected representatives for policymaking, and to the extent that citizen participation outside the electoral process serves to make elected officials more responsive, voters will find the initiative and referendum less appealing.

Citizen participation does impose certain costs and introduce delays which must be kept in perspective. Care also must be taken to avoid over-optimism about its possible effects. Also, at certain points citizen participation may conflict with the proper exercise of responsibilities by duly elected and appointed officials. These exist where citizens involved are not representative of the entire range of interests affected; where citizens presumably acting in a strictly advisory capacity actually share in the decisionmaking power (other than in those cases where elected officials have determined that such power sharing is necessary to enable certain groups—particularly the disadvantaged and unorganized—to protect their vital interests); and where public officials manipulate participating citizens to further their own personal and professional goals rather than those of the program or the government generally.

The Proper Use of Advisory Processes

As the findings have shown, there are many different forms of citizen participation which may be used to furnish advice to governmental decisionmakers. These, of course, include such devices as advisory committees, task forces, study commissions, public hearings, workshops, meetings, conferences, consultations, polls and surveys, and many others. In addition, there are special techniques of group dynamics, mediation, arbitration, and electronic communication which can be used to enhance the quality and timeliness of interractions between the people and their governments.

As the findings also have revealed, these methods of producing advice serve several different purposes and are used in different ways by different persons and interests within the constituencies of the federal, state, and local governments, and the regional and neighborhood organizations serving governmental purposes. Of prime importance among the purposes are improving the quality of public decisions, altering the allocation of public resources, enhancing the acceptance of public decisions, protecting individual and minority group rights and interests, and delaying or avoiding difficult public decisions. Obviously, the various methods of citizen participation will be used differently for these purposes by minority and majority groups, by those in power and those out of power, and by those with a stake in providing, consuming, or paying for services. Thus, the range of participation methods is used variously by different groups toward differing ends—thereby adding to the diversity of influences upon government.

At the same time, research findings are not very clear in their evaluation of the effects of the various types of advisory citizen participation. It seems fairly clear from *Chapter 3* that some such methods cost less than others and take less time and attract greater numbers of participants, while some are more politically acceptable than others, and still others have greater potential for producing new ideas or resolving conflicts. That same chapter also suggests that simpler and clearer decision processes, adequate training of citizens and officials involved in the participation process, adequate staff and technical assistance, and economic assistance or incentives for participation can or might improve the participation actually experienced. By these means, it is argued, more of the affected persons would be able to participate in governmental decisionmaking processes, and there would be greater understanding of the process and greater capability to enter into a creative and constructive dialogue.

Of course, these factors of inclusiveness, creativity, and capability do not tell the whole story. If basic interests are too diverse, then a consensus may not develop in the advisory process and the parties may abandon it for the exercise of their power options—such as campaigning and voting for a change of government, demonstrating, picketing, going on strike, or using such other means as they may muster, or simply to disengage. Advisory citizen participation methods are only one part of the total governmental decisionmaking process, and there is no guarantee that they will produce "success" from the point of view of any given interest in any given situation. This is one reason why it is so difficult to produce clear evaluations of the benefits from citizen participation. Hence, the evaluation studies summarized in *Chapter 4* of this report understandably are largely inconclusive.

Two other points, however, seem quite clear from the background chapters. First, many Americans expect a great deal of participation in governmental affairs to be open to them, even though they may not always avail themselves of available opportunities. And secondly, there is a substantial gap between the amount of influence which many participants expect their involvement to have, and the actually observed effects of participation. This gap, some believe, arises largely from deficiencies in the present citizen participation processes, and causes substantial dissatisfaction. While the legal opportunities for citizen participation—whether or not they are exercised in any given instance—may have a substantial indirect effect on the actions of public officials, direct effects often are limited because citizen participation opportunities are not provided until the latter stages of decisionmaking (as, for example, providing for public hearings just before a decision actually is made); too few different opportunities are provided for participation (perhaps limited to a small advisory committee and an open public hearing at the end of the process); and the opportunities provided are much too passive (leaving to citizens' own devices the initiative and the development of capabilities to participate constructively in very complex governmental processes). These proponents of greater citizen participation propose that the participation processes be opened at all stages of the problem-solving and decisionmaking process (beginning with problem definition and ending with the evaluation of implementation activities), that a wide variety of information dissemination, information collection, and interactive forms of participation be used to reach diverse publics at various stages in the process, and that governments take an active part in promoting participation and assisting participants in effectively communicating their views and reacting to government proposals.

Opponents of greater participation point to what they believe to be apathy on the part of most citizens, the difficulties of securing any kind of broad based participation (not to mention well informed participation), and the great costs to government in both money and time which may be spent pursuing greater participation without significant result. The proponents respond that, without broader based participation, issues are left to be decided by a limited number of special interests. To this, the opponents come back with the proposition that broad based participation is impossible to achieve and what passes for it is usually not much more than special interest pleading. The nation long since has outgrown the possibilities of direct democracy except in the smallest local communities, they point out, so the representative form of government achieved through the electoral process is the most satisfactory and only really legitimate form of decisionmaking. Citizen participation, they believe, may undermine the basic responsibility and authority of elected and accountably appointed officials if great care is not taken to avoid the dual excesses of trying to get everyone or only a few people in on the act. This view, of course, recognizes that in the final analysis citizen participation often influences the exercise of governmental power in resolving conflict situations and that the representative system is the only legitimate decisionmaking forum for this purpose.

From a very different point of view, it is argued that many activities of government in which citizen participation occurs do not involve either conflict resolution or decisions by elected representatives. With respect to conflict, successful participation may result in all views being put on the table, with a satisfactory policy being found to accommodate them all. Thus, what might have been a conflict situation without participation, becomes an amicable agreement on public policy. With respect to decisions by nonelected officials, public participation increasingly has been applied within the bureaucracy. Public policies as enacted by elected officials frequently are very broad, leaving a wide range of subsidiary judgments and decisions to be made at the discretion of program administrators. In such cases, citizen participation has been invoked as a means of instilling a degree of responsiveness and accountability into the actions taken by bureaucrats. Thus, the issue of citizens undermining their elected representatives through their involvement turns upside down, according to this view, with the elected representatives relying upon the citizens to assist them in their own efforts to hold the bureaucracy accountable.

In the broad sense, then, the issue becomes one of determining just how much and what types of advisory citizen participation should be used by both elected representatives and bureaucrats. Those beginning with a philosophy of legitimizing elections to provide clear authority for elected representatives and efficient decisionmaking unfettered by great expense and delay, opt for a modest amount of participation which allows citizen views to be heard with respect to well developed governmental proposals prior to final decisionmaking. Those who begin with the basic philosophy that "the people" know what is best for themselves, that they are capable of helping to deal with public issues and of improving public policy, and that policies made with the people's involvement will be better and more easily implemented, prefer a more fully participatory decisionmaking process which encompasses earlier stages in the process of resolving public issues. These advocates would make greater efforts to promote such participation and assist it to be productive and effective. They also would make greater use of a variety of different participation methods appealing to the various different interests, and emphasize particularly those methods designed to enhance creative two-way interactions between the people and their governments. Opening the process to active representation by wider spectrums of interests, they feel, is the antidote to the possibility that any single committee, or hearing, or other part of the process could be captured by a single (often minority) interest.

The practical question remains, however, as to how much participation the government can afford, and the point at which additional efforts may no longer be cost-effective. General answers to these questions are difficult to give. Clearly, it costs little to run government in an open and above board manner, perhaps even resulting in net savings in the long run by reducing mistakes and enhancing acceptance of decisions. Just as clearly, however, some methods of participation can be quite costly to government, and should be undertaken only when clear benefits are in prospect in given situations. The use of all participation methods all of the time almost certainly would pass the point of diminishing returns. Beyond this, little can be said. An effective and efficient citizen participation process is one which is clearly tailored to the level of government and nature of the issue.

This uncertainty about the nature, impact, best methods, and costs of citizen participation has prompted some to call for a focused national effort to experiment with, and evaluate carefully present participation processes and requirements with a view toward disseminating widely the results of such an endeavor.

Proponents of this view have recommended that a permanent "National Institute of Citizen Participation" be established to serve as a central clearinghouse on research, information, technical assistance, and resources supporting citizen participation at the federal, state, and local levels of government, and to provide active stimulation for the involvement of citizens at both the policy development and implementation stages of governmental programs at the federal, state, and local levels, including neighborhoods and community organizations. Hence, its supporters urge national legislation that would authorize such an institute to research, document, monitor, and evaluate present citizen participation techniques and programs at the federal, state, and local levels; and to design, develop, and distribute educational and training materials for use by government officials and the general public at the federal, state, and local levels. It also would serve as catalyst for, and support increased voluntary involvement in, governmental policymaking and program administration at all levels through demonstrations, model development, and policy recommendations; and would recommend to the President and Congress such changes in federal legislation pertaining to citizen participation as may be warranted by its research and experience. These proponents see the institute involving citizens and public officials from all levels of government in its work and endeavoring to be open and responsive to all concerned in citizen participation processes. The institute, they explain, would assist and work cooperatively with other federal departments and agencies having citizen participation responsibilities—including affected regional offices of such departments and agencies and the Federal Regional Councils—as well as with state and local offices of citizen participation to provide relevant information and technical assistance. The institute, they urge, should have authority to contract for services from qualified public agencies, universities, nonprofit organizations, and private consultants in furtherance of its purposes.

The proposed institute, then, would have a facilitative role, geared to improving the state of the art, to disseminating increased knowledge about citizen participation rapidly throughout the nation, and to assisting the various levels of government and citizen-volunteer groups to develop greater capacities in this field through training and other means.

In its own operations, its advocates claim, the institute would practice what it preaches with respect to the involvement of outsiders, and it would maximize its influence on the nation by working with, and through, other governmental and nongovernmental organizations having similar interests and responsibilities, thereby avoiding the build-up of a large new bureaucracy. The institute also would be politically responsive, to avoid its capture by the bureaucracy. This trait could be provided for by giving volunteer citizens a major voice in helping to design the institute's form and working procedures, by designating the institute's top officials as Presidential appointees, subject to Senate confirmation, or by establishing the institute as an independent national commission with overlapping terms to balance its political accountability with a certain degree of continuity and stability.

It should be noted that ACIR's study was hampered at many points by lack of reliable information about the effectiveness of the various citizen participation techniques, their costs, and their suitability in diverse settings. The study also found that attitudes about citizen participation vary quite widely among citizens and officials alike, as do levels of understanding and capabilities of effective participation. Frequently, discussions of citizen participation generate more heat than light, and this is exacerbated by the paucity of good solid data about the results attained and the reasons for those results.

In this context, governmental requirements for citizen participation—especially when mandated on a lower level of government by a higher level—tend to be honored more in the letter than in the spirit of the law. Thus, much citizen participation is pro-forma, hence, ineffective. The processes are established merely because they are required, and what might have been a creative process, resulting in better government, becomes a debilitating exercise in additional governmental red tape.

A National Institute of Citizen Participation, then, is proposed by some as a means of helping to overcome these difficulties. Some participation advocates go so far as to assign their highest priority to this institutional means of facilitation, citing the great difficulty of legislating effective citizen participation. As they view it, if people will not participate voluntarily, they really cannot be forced to do so. Recent low voting turn-outs give evidence of this problem, for example. Thus, governmental requirements in citizen participation affect governmental officials most directly, forcing them to open up opportunities for participation, rather than forcing citizens to avail themselves of these opportunities. Citizens get involved most frequently in those instances where the issues involved directly affect them in a clear and adverse way, or where they are affirmatively attracted by a governmental outreach program which assists them in participating in a satisfying way without undue sacrifice. The primary importance of the institute, so they argue, would be its ability to monitor, evaluate, and report on the amount and quality of citizen participation so that citizens and government officials alike can become more aware of the benefits to be gained through programs better attuned to citizen needs. Governmental regulations alone are not very likely to achieve this result.

Proponents contend that the institute would not require great additional expenditures. The federal government already spends very substantial amounts on citizen participation research through a variety of departments and agencies, and also provides some training and technical assistance. But, much of the value of present federal research on citizen participation is lost, they maintain, because of inadequate sharing of it among researchers and inadequate means of transferring results into the field where it can be applied promptly. Relatively small additional expenditures could recapture these losses, it is argued, and substantially increase the value received for present levels of expenditure. By working through, and with, existing agencies and organizations, the institute would not create a major new bureaucracy of its own.

Despite assurances that the institute would not become a *large* new bureaucracy, opponents argue that it would indeed be a *new* agency of government, and very few new agencies remain small. As the institute sees its ambitious goals only partially fulfilled over the years, it inevitably would reach out for more staff and greater budgets. Moreover, the critics claim, its purposes are so broad as to remain unachievable within the foreseeable future.

Such an institute, it is argued, could never serve effectively the three traditional levels of government, given its location and funding, as well as its inevitable incapacity to reflect and report on the endless variety of citizen participation practices within the states and their thousands of localities. Moreover, and perhaps most significantly for this group, the proposed institute is based on the assumption that persuasion, effective reporting, and good research will strengthen citizen activism in governmental processes. Critics find this assumption foolish and without foundation in the real world of politics, programs, and personal and group self-interest. They would concede that such a unit might have some symbolic significance for citizen participation advocates, but that is not reason enough for establishing it. Fanciful goals, unrealistic function, little concern for the real bases of citizen apathy, and a further draw-down on the federal treasury for yet another experiment in what predictably will be a failure—these are the hallmarks of this institute proposal for its opponents.

Intergovernmental Requirements for Citizen Participation

Chapters 3, 4, and 5 in this report have shown that citizen participation, at present, is heavily caught up with intergovernmental mandates. For example, state laws in every state require local governments to be operated in the open, and most states specifically require budget hearings and voter approval of at least some local fiscal decisions such as extraordinary increases in local property tax rates and the issuance of local general obligation bonds. Furthermore, about 800 local planning commissions have been established under state law to bring citizens into the planning process.

At the federal level, 155 federal aid programs require citizen participation in their administration by state and local governments. Eighty-nine of these programs specifically require citizen advisory committees at the local and/or state levels, while 55 require public hearings at these levels.

Justifications for such participation requirements stem from long traditions of American democracy. These are reflected in the First, Fifth, and Fourteenth Amendments to the U.S. Constitution which, among other things, guarantee to all citizens the rights to have a free press, exercise free speech, assemble freely with one another, petition their governments for redress of grievances, and receive equal treatment under the laws in accordance with "due process." The federal civil rights laws have emphasized even more fully that minority groups are not to be excluded from enjoyment of these and other rights. Specifically with respect to federal aid programs, civil rights legislation requires that funds be spent in nondiscriminatory ways. Several individual federal aid programs have specific provisions repeating bans on discrimination. By this means, federal aids now are required to meet the special needs of minorities, diverse racial and ethnic groups, various age and income groups, both sexes, and the handicapped or disadvantaged, as well as the needs of the general public. Thus, two principles have been established: (1) all the people are to have access to government, and (2) federal aid is to meet the needs of diverse and differentiated groups. The existing citizen participation requirements in federal aid programs help to assist the people in the exercise of their constitutional rights of access to government and help assisted state and local governments to identify the needs of the diverse groups which are to be assisted fairly and equitably under federal aid programs. These, then, are the purposes used to justify federal requirements for citizen participation at the other levels of government.

Critics of this federal role point out, however, that citizen participation is, and always has been much greater at the local level than at either the state or federal levels, and that the federal government, especially, is a Johnny-come-lately in such matters—and far too removed from local circumstances to be writing specific do's and don'ts with respect to when hearings should be held, how they should be advertised, and the precise composition of local citizen advisory committees. For the critics, then, federal requirements often cause duplication and incompatibility. In short, they complicate, confuse, and add expense unnecessarily. Finally, some of the critics contend that the federal requirements reflect an unjustifiably skeptical, if not distrustful view of state and local officials, administrators, and processes—at a time when they never have been more "open" politically and accessible administratively. Thus, the critics recommend abolition or substantial simplification of federal aid requirements for citizen participation, leaving substantially more latitude to state and local officials to work with citizens within their own legal frameworks and traditions.

The abolitionists are the most severe of these critics. They contend that because the present federal aid requirements for citizen participation are largely undefined in purpose, are duplicative of state requirements in many instances, encourage the perpetuation of the aided programs in others, constitute an artificially imposed and largely ineffective condition in still others, such conditions are unnecessary in all but a few programs where it is the express purpose of the Congress and the President to confer a sharing in decisionmaking on specific groups of citizens benefiting from a specific federally aided program. In all but these specifically exempted program areas, they recommend that the federal government rely upon state and local governments themselves to provide adequate levels of citizen participation. Most of them recognize that some states and some localities need to reassess their open meeting and other participatory ordinances, practices, and statutes with a view toward assuring that their scope in terms of mechanisms, governmental processes, and subject areas is sufficiently broad and that their provisions are enforced. In calling for this review, they emphasize that they too are concerned that citizens are assured of having an opportunity to be heard prior to policy and/or administrative decisions which directly affect them. Hence, they recommend that, where necessary, such state and local statutes, ordinances, and practices be amended to achieve the foregoing goals.

In advancing their proposals, the abolitionists primarily are concerned with reducing the confusion and intrusion which they believe the more than 150 federally imposed citizen participation requirements now constitute. Affording citizens the opportunity to present their views on a pending policy or administrative decision, they believe, should be a concern of the states and the localities, not a goal of federal grant-in-aid requirements.

Even a cursory analysis of the legislative history of most of these federal requirements, they emphasize, indicates either an ill-defined or a nondefined Congressional intent. The result has been a welter of varying regulations developed pursuant to administrative discretion and most without any attempt at uniformity even on a departmental basis. They note that by inference the chief purpose of these requirements is to promote better communication between state-local program administrators in the field and affected citizens, witness the predominance of the citizen boards and committees and public hearing devices. Only two dozen of the requirements, they stress, suggest any real effort to achieve some "power sharing." In practice, the bulk of these conditions play primarily to the interests of middle class and upwardly mobile minority citizens, not to the poor, the disadvantaged, or the alienated, they emphasize. Moreover, some of these requirements, in effect, have helped generate a local constituency for the perpetuation of the aided program—sometimes even when federal funds have been shut off. And, with some, most notably the requirement attached to General Revenue Sharing, they believe the effect has been chiefly a "formalistic" one, with meager substantive impact.

Given what the abolitionists believe to be the mixed-to-negative general results of these more than seven score citizen participation requirements, they believe that omnibus legislation should be enacted that repeals all but the few that clearly are geared to "power-sharing" purposes. They have no confidence in any federal effort to standardize and simplify these conditions—either across the board or departmentally. Such an undertaking, they point out, would involve a clear sorting out of federal goals in this area, a task that national decisionmakers would find and politics would make near impossible. After all, it would involve an effort to establish links between goals and mechanisms and procedures, and this varies greatly from program to program, from recipient jurisdiction to recipient jurisdiction, and from governmental level to governmental level. It would involve new administrative arrangements within the departments and in any governmentwide effort within the Executive Office of the President. Either would be complicated, arduous, and, in light of other recent parallel efforts, probably only marginally effective, according to the abolitionist view. Moreover, it would involve confronting the Congress with all of these questions, since an Executive Order or departmental directive could not achieve all of the above, given the statutory bases for many of the differences in the requirements. Yet, the abolitionists see meager evidence that Congress generally considers this topic to be of overriding significance to the federal system as a whole or certainly to the operations of most of the programs to which these requirements have been appended.

Any effort to standardize and simplify the existing citizen participation requirements also would have to address the question of how effective such requirements have been in reducing the gaps between citizens, program administrators, and state-local decisionmakers in enhancing better program performance and in strengthening the system generally. Status quo defenders of the proliferating pattern of separate requirements cannot ignore these issues, they warn. While the findings of studies on specifically aided programs and on grant programs generally are anything but clear and conclusive, these abolitionist critics note that some indicate a basic ineffectiveness of these requirements in meeting these goals. Hence, they focus on what would make them more effective. They find some arguing for a strong and consistent government-wide policy and set of procedures and others, in effect, contending that in the very diversity of the requirements there is strength. They recognize that still others suggest the need for a much wider federal application of the "power-sharing" approach, where there is some evidence of success, while some of the advocates are calling for more federal funding of citizen participation efforts, personnel, and beneficiaries. They do not ignore the fact that still others argue for a stronger federal commitment in the form of an Executive Branch unit on citizen participation and/or a strong and consistent national policy on the subject.

Yet, the abolitionists find that none of these proposals goes to the heart of the problem, which they feel is essentially one of attitude—both on the part of state and local officials and on the part of citizens. Various studies, they point out, have found that the critical factor in effective citizen participation is the attitude of state and local officials, and neither the present melange nor a simplified set of federal requirements does much to engender a positive approach toward citizen participation on the part of these officials. Indigenous political and statutory factors, they maintain, are far more significant and positive.

For all these reasons, the abolitionists urge a near complete federal withdrawal from this area of federal regulation. Such a move, they believe, would begin to curb the proliferation of federal efforts in the mandating of across-the-board requirements, begin to make the job of the federal grant administrator a somewhat more rational one, and begin to get basic participation concerns back where they belong—at the state and local levels.

Proponents of federal aid requirements for citizen participation point out, in response to the critics, that many local governments and state agencies still operate with little sensitivity to the need for opening their decision processes to wider participation by affected persons. Thus, while federal requirements may be duplicative and unnecessary for certain states and localities, they do serve the purpose of spreading such practices nationwide in a more uniform manner, and provide both money and incentives for participation by many groups traditionally not heard from in the administrative processes even in the more participative parts of the nation.

Yet, many in this group concede that if federal aid requirements for citizen participation are retained, they should be reformed. Present ones usually do not have clearly stated objectives and they often are unnecessarily diverse, placing undue burdens on recipient governments and citizens alike in "learning the ropes." Present requirements also do not adequately recognize the existence of citizen participation processes already established and working under state and local laws and practices—thereby duplicating, confusing, and diluting the opportunities for effective participation, and making the process more costly. In addition, present requirements too often contain specific, arbitrary specifications for public notice, representative organizations, and other features of the participation process which do not fit well in diverse situations. Finally, existing requirements too often are formalistic and legalistic, applying mostly at the latter stages of decisionmaking in a way which will satisfy minimum legal standards but do little to encourage the creative use of diverse methods which could enhance both the opportunities for participation and constructive results from it.

These reformers note that the various groups which have studied this situation are agreed about the need for some simplification, at the very least, if not major efforts at both standardization and simplification. The fact that so many different federal aid programs are involved, and that some avowedly seek to share decisionmaking authority with affected citizen groups while others focus upon providing better and fuller advice to duly constituted officials, is cited by some in this group in support of a more incremental simplification approach—program area by program area.

Those supporting full standardization recognize these wide diversities, but believe that properly developed performance standards (perhaps with a few specifically recognized exceptions for meeting the power-sharing goals in certain programs) could meet diverse needs by allowing recipient governments to develop specific participation processes and techniques most appropriate to meet the performance goals in their own situations. Such performance standards, they maintain, could require (1) decisionmaking processes open to public view; (2) opportunities for citizen advice at all significant stages of the program; (3) simple, direct, and well advertised procedures for participation; (4) advance distribution of relevant information reasonably needed for effective participation; (5) technical assistance to groups and individuals having a demonstrated interest in the issue but lacking the technical resources to respond responsibly or constructively without such help; (6) economic assistance for participants needing to be shielded from undue economic sacrifice, and (7) training for participants in the process who are not familiar with the procedures and techniques to be used. Within these guidelines, federal aid recipients would develop their own processes and specify the participation techniques to be used. The federal government, according to this approach, would accept such processes in the absence of any clear indications that one or more of the performance standards are not being met.

For such a performance requirement to work, these reformers warn, the federal agencies would have to be conscious of the costs as well as the related benefits of any proposals they might suggest to strengthen weak links in recipients' participation processes. With reasonable administration on the federal side, however, and federal agency assistance in meeting the performance objectives—rather than hard boiled enforcement of minimum legal requirements for specified techniques—proponents of this approach believe that improved citizen participation opportunities could be provided throughout the nation. Not only would federal requirements be simpler and more consistent from program to program, but the effectiveness of citizen participation could be expected to improve.

Still other proponents of federal aid requirements for citizen participation argue that those requirements now appended to more than seven score federal assistance programs have been developed laboriously over a long period of years and, for the most part, are well adapted to the programs to which they are appended. While not perfect, these requirements have been of some benefit, and affected citizens as well as officials are familiar with their use. Thus, they recommend that existing citizen participation requirements appended to federal assistance programs be retained, and that the present administering agencies in the federal Executive Branch retain responsibility for their administration and improvement in accordance with the varying goals of these individual programs and the differing legislative bases for such requirements.

In urging retention of the existing diverse range of citizen participation requirements, these proponents adopt a position that they feel is realistic while still being positive. The present requirements appended to 155 grant programs are geared to varying program needs and, in some cases, to varying citizen participation goals. More than half require boards and commissions reflecting the public in various ways in their respective membership. One-third require a hearing process, while over two-thirds stipulate still other citizen participation devices. These procedural variations largely reflect differences in the programs affected, wherein hearings are more suitable to some, citizen committees or boards to others (especially in the human resources area), and other devices to still others. In short, the range of procedures is sensibly and realistically geared to the variety of differing programs to which they have been attached, according to this view.

Each requirement, moreover, usually embodies one of three contrasting citizen participation goals—goals that are distinct and not easily reconciled or merged. The vast majority, they point out, adhere to the consultation/advisory goal; two dozen incorporate elements of shared decisionmaking; while a few seek to elicit overall community views on public programs or in public processes, as with the General Revenue Sharing, community development, and diverse planning requirements. Different goals, then, can involve different procedures and are more appropriate for certain programs than for others.

In effect, the existing array of requirements recognizes this elemental dimension of intergovernmental efforts to foster citizen participation.

Even where the essential goal is the same for several grant programs, as with the advisory/consultation approach, they argue that separate and specific requirements create no real administrative or political problems. Such conditions, they emphasize, place a specific responsibility on specific federal departments and agencies to mount a special, even a differentiated, effort to involve citizens in the state or local decisionmaking processes that govern the implementation of the affected aid programs. Out of this have come varying approaches to, varying attitudes on, and varying degrees of success (and failure) in encouraging citizen participation. Given the still essentially experimental and delicate intergovernmental nature of these efforts, they caution, this piecemeal testing approach is the only sensible and realistic one to rely on at this point.

After all, too little is known, despite the numerous evaluation studies, these observers maintain, about the key components of citizen participation success, especially in light of the ambitious programmatic, systemic, and attitudinal goals that usually are subsumed under the rubric of success. Moreover, the manner in which these factors interact in diverse jurisdictional and political settings raises an even more complicated set of analytical questions. For them, these operational and intellectual limitations on arriving at any real certainty about the sure road to more effective citizen participation suggest that more time for, more experimentation with, and more analysis of, the existing requirements are very much needed. Hence, either the abolition of citizen participation requirements in federal aid programs or a federal effort to develop a standardized governmentwide or even departmentwide policy on the topic would be folly at this time.

Another issue with federal aid programs concerns the type and amount of citizen participation which should occur at the various levels of government. This report has pointed out in *Chapters 3, 4,* and *5* that multiple citizen participation methods are used by all three levels of government as well as by regional governmental organizations and neighborhood subunits. Obviously, however, there are different usage patterns among these levels. First, participation is likely to be more frequent at the local, neighborhood, and regional levels, and exercised at more different stages of activity there than at the state and federal levels. Second, the proportion of people actually involved from the total population tends to be greater, the more local the jurisdiction. As a corollary to this second point, the screening of participants necessarily is more selective for participation at higher levels of government—organizational representation being relied upon more (instead of individual participation) as the size of government increases. The greater pressures of time at the higher levels of government demand this type of filtering, and tend to reduce the length of time and intensity of contact, and the degree of interaction among the various interested parties at the upper levels of government. Nevertheless, the contacts are there, and they may be intensified and lengthened if the issues demand.

Obviously, the eventual shape of final results in federal aid programs is, or may be, affected by whatever citizen participation occurs at these various levels. Some contend that participation requirements should, or do vary according to the form of assistance—categorical, block, or revenue sharing—and the size of the jurisdiction in terms of both population and geography.

For a categorical grant from the federal government, development of the federal legislation and the administrative regulations and guidelines may be especially crucial steps for citizen involvement. This is because the narrower the grant program, the more decisions are likely to be made at these federal steps concerning the precise types of projects, eligible beneficiaries, and details of administration. If these grants are passed through the states, some additional state requirements may be added, further restricting discretion at the eventual local, regional, or neighborhood level of project administration. Thus, once again citizen influence will have been reduced in the final analysis if not applied at the state level. Finally, very little discretion may be left to be exercised by the local or regional body eventually receiving the federal funds. At this point, it is highly unrealistic to encourage citizen participation with any thought other than that its impact will be strictly limited to the minor discretionary matters left to these recipients. Often, problems arise from citizen misunderstanding of the limited nature of participation which can be provided at this point.

This leads, very often, either to outrage or disillusionment.

Of course, not all categorical grant programs preempt significant decisionmaking at the point of impact. In fact, some of the restrictions placed upon them may be for the purpose of ensuring that affected groups will be guaranteed a specific type of program which they can help to design in specific ways, without undue interference from the state or local units handling the funds. In those cases, the available discretion is relatively clear already.

Block grants leave more room to maneuver at the ultimate point of program administration. They are much broader in their purposes and leave much more discretion for decisionmaking by the administering recipient government. Still, broad priorities are established at the federal level, and with some such programs additional restrictions may be added at state levels, before the recipient government receives the funds. Again, citizen input is needed at each level of government where the program is taking shape, and participation opportunities provided by the eventual administering unit of government should be clearly couched in terms of the degree of discretion still left to be exercised at that level. Participation in these programs at the point of impact is likely to encompass both broad expenditure policies and detailed project design questions, in contrast to concentration on the latter for categorical grants.

General Revenue Sharing leaves almost all of the discretion about appropriate uses of the funds to the administering recipient. Thus, citizen participation in this program does not have to be couched too carefully in terms of the limits of citizen inputs which are acceptable to the final recipients. The broadest issues concerning spending priorities are still wide open, and only after these are settled can citizen participation revert to the questions of program and project design which serve as the focus in other federal aid programs.

In sum, there seems to be broad agreement that state law should provide for citizen participation at both the state and local levels, and that federal law should provide for citizen participation in its own affairs. There are basic differences, however, about the need for federal aid requirements mandating citizen participation at state and local levels. Those believing it unnecessary cite the duplication of state and local requirements for citizen participation, while those believing the federal aid requirements to be appropriate cite the unevenness of citizen participation practices at state and local levels in contrast to the uniform guarantees of access to government provided by the U.S. Constitution. In any case, if federal aid requirements for citizen participation are retained, there appears to be broad consensus that mild to very extensive reforms are needed in them. The precise nature of these reforms is less clear.

Evaluation of Citizen Participation

The authors of a major study of citizen participation in HEW programs reported that their task of evaluation was made difficult by the inadequate attention given to evaluation by HEW. Academics and specialists in citizen participation have commented on the general absence of soundly prepared evaluation studies in the federal government and elsewhere. This situation leads to the question: Is evaluation of citizen participation feasible, and if so, how can its present low state be improved?

Those who question the feasibility of valid evaluation cite at the outset the diversity and complexity of the objectives of citizen participation. Legislative bodies seldom, if ever, set forth clear objectives in the authorizing legislation or even in the documented legislative history. Citizens and administrators must try to find direction from statutes that speak in such vague terms as "meaningful" or "widespread" or "substantial" citizen involvement. Little if any direction is provided concerning the definition of citizen, the kinds of participative mechanisms to be employed, what procedures to follow in choosing citizens, how agencies are to respond to views of the public, and how those views are to be balanced against other considerations in administrators' decisions.

Lacking clear legislative direction, potential evaluators can turn for guidance to the two parties most intimately concerned: administrators responsible for involving citizens in the programs, and the citizens themselves. But such guidance inevitably will reflect the respective biases of these two parties. Since the administrator's primary responsibility is to see that the service goals of his program are achieved, he will tend to think of citizen participation in terms of its contribution to those goals. The citizen, on the other hand, will view citizen participation as important to the extent that it insures that government decisions are consistent with his own interpretation of the public good.

Further complicating the problem, in the view of evaluation skeptics, is the fact that there are some 31 different forms of participation, ranging from presenting a prepared statement at a public hearing to serving on a citizen committee that exercises some degree of program control. Additional evaluation difficulties arise from the complexity of government itself, with its many and diverse state and local political systems and their interrelationships as well as their relationships with the federal government and its many programs. How can evaluation be meaningful in a setting so complex and varied?

In short, those who question the feasibility of valid evaluation of citizen participation stress the lack of clear legislative direction; the need for heavy reliance upon two parties with opposite biases for any kind of informed assessment; and the complexity of the task, involving numerous and varied citizen participation mechanisms in a highly complicated governmental system where it is difficult to sort out the precise effects of the many diverse influences which lead to any final outcome. They believe that evaluations which attain any degree of validity might cost more than any benefits that could reasonably be expected, and for that reason contend that the soundest course would be to abandon all evaluation efforts.

Those who are more sanguine about citizen participation evaluation acknowledge the difficulties cited, yet they find that these are not insuperable, in light of the benefits they see from citizen participation and the contribution that they believe evaluation can make toward assuring those benefits. They hold that citizen involvement in decisionmaking must be viewed as part of the general trend toward democratization of our governmental institutions. From this they derive such evaluative criteria as accessibility—meaning opportunities for affected citizens to obtain needed information, make their views known to decisionmakers, and hold officials accountable; fairness—meaning assurance that all those affected by a program are given equitable consideration in the decisionmaking process; and responsiveness—meaning reflection of public preferences in governmental decisions. Others would add a criterion on reduction of citizen alienation, reflecting the need for strengthening public support for government.

These defenders of evaluation acknowledge that measuring these criteria is not simple. The most obvious approach is to use objective measures, such as examining statistics on the number of people who attend public meetings and public hearings as evidence of accessibility, and studying the record of public hearings to ascertain whether the points of view presented represent all affected individuals and groups. The problem with using such yardsticks is that they may fall short of revealing what impact citizen participation actually had on officials' decisions. That measure might be obtained by careful examination of the record of decisionmakers' deliberations, which, with the advent of sunshine and freedom of information laws, is now likely to be more available than in the past. Where such a record is not available, decisionmakers and their staffs can be interviewed for their views on the impact of citizen involvement, recognizing that because of official self-interest those views should be used only to assist in the interpretation of effectiveness, rather than serve as the only basis for that interpretation. Recently, some citizen participation requirements have begun to call for written statements by decisionmakers explaining how citizen views were taken into account in arriving at a final decision.

A final consideration, according to those who believe that citizen participation must, and can be evaluated, is to ask the citizens themselves how they judge the effectiveness of a citizen participation program. Only the people can reveal whether they think their rights were respected, their interests were recognized, and the balance of their preferences was reflected. An important issue here is to assure that the citizens whose views are surveyed to get these answers are representative of the entire class of affected citizens. Imaginative and careful development of a series of methodologies and measures (both attitudinal and objective) can provide that assurance, according to these supporters of evaluation.

In short, the supporters of the concept of evaluating citizen participation believe that it would be irresponsible to fail to evaluate citizen participation, however much it may seem that citizen participation should be accepted virtually as a *sine qua non* of the democratic process; that meaningful criteria can be derived from democratic experience and principles; and that methodology exists or can be developed to enable a defensible application of those criteria.

RECOMMENDATION 1.
CITIZEN PARTICIPATION AT EACH LEVEL OF GOVERNMENT

The Commission concludes that the fundamental mechanism of citizen participation in American democracy is, and must be the process of nominating and electing representative public officials and, in certain circumstances, balloting on issues through the initiative and referendum. Yet, the Commission further concludes that citizen participation beyond the electoral process, in both the legislative and executive branches, constitutes a vital complementary feature of contemporary American government, and is essential for holding elected and appointed officials accountable, exerting a salutary influence on governmental decisions, contributing to improved governmental services, and strengthening citizens' confidence in, and support for, government.

The Commission, therefore, recommends that governments at all levels provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in their own directly administered activities, including budgeting and financial decisionmaking, in addition to the elective political process.

At the same time, the Commission recognizes that citizen participation processes, as sometimes designed, can compete with the basic responsibility and authority of elected officials and can distort the representativeness of such processes. The Commission therefore recommends that legislative and executive branches of all levels of government, when providing in legislation and administrative practice for citizen involvement, exercise caution in (a) selecting the types of situations in which citizens are empowered to share in decisionmaking; (b) defining the categories of citizens whose participation is needed to assure fair and equitable representation of all significantly affected groups; (c) guarding against administrative agencies' exploitation of citizen involvement for the agencies' own narrow purposes or for the perpetuation of programs beyond their useful lives; and (d) avoiding the creation of unrealistically high hopes regarding the satisfactions and benefits to be reaped from citizen participation.

More specifically the Commission recommends that, where lacking, state law provide for, as a minimum, (1) open meetings, (2) open records, (3) effective public information programs, (4) equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings at significant decision points in the making of public policy, (6) regular reporting by governmental units on their citizen participation activities along with evaluation of such activities, and (7) the right of citizens to appeal through administrative and judicial channels for the redress of procedural lapses under this legislation. Such legislation should apply to both the executive and legislative branches and agencies of state governments, local governments, and regional organizations which are subject to state law. This legislation also should provide for the visible and accountable placement of responsibility for compliance at each level. In addition, it is recommended that such legislation make special provisions in specified cases for the involvement of program clientele—including an appropriate share in decisionmaking, the use of volunteers in program administration, the employment of program clientele, and complaint services—in those state and local programs with direct beneficiaries, and also for the involvement of broad-based community, regional, or statewide interests, as well as special interests, in those programs, activities, and state or local planning and policymaking processes affecting primarily the public at large. Finally, such legislation should provide training for citizens and officials involved in all aspects of citizen participation, and technical assistance for participating citizen groups with demonstrated need.

The Commission also recommends that laws, charters, and organic documents establishing local governments and regional public organizations include citizen participation provisions consistent with the state legislation recommended above.

The Commission recommends, further, that the President and the Congress authorize a review of the several legislative and administrative provisions for citizen participation in the federal government's own direct rulemaking, regulatory,

and program formulation processes, with a view toward establishing broadly and consistently applicable, mutually supportive, yet simple and cost-effective procedures for (1) open meetings, (2) open records, (3) effective public information programs, (4) the use of equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings and/or consultation processes at significant decision points in the making of public policy, (6) regular reporting by Executive Branch departments and agencies, and independent regulatory commission, on their citizen participation activities, along with evaluation of such activities, and (7) the right of citizens to appeal through administrative and judicial channels for the redress of procedural lapses under such provisions. Distinctions should be made, as appropriate, in the applicability of the varying citizen participation procedures to the rulemaking, regulatory, and program formulation processes of the federal government. Responsibility for conducting this review should be assigned clearly to a politically accountable official or agency in the Executive Branch, and the review should be performed with clear opportunity for equitably representative citizen participation. Results of this review, together with appropriate recommendations for legislative and administrative actions, should be reported to the President and the Congress and made public within a specified period of time.

This recommendation affirms the importance to governments in the United States of using citizen participation proceses which reach beyond the electoral processes, and urges that all levels of government in the nation take steps to use such citizen participation processes effectively. At the same time, it is recognized that citizen participation processes are difficult to use effectively, evenhandedly, and without disappointment. Thus, the recommendation draws attention to some of the prime difficulties which need to be overcome to help ensure success. Finally, the recommendation urges specific steps which can be taken by the states, by local governments and regional organizations, and by the federal government to institutionalize citizen participation effectively and equitably in their direct servicing responsibilities.

At the state level, it is recommended that state laws be reviewed and amended or supplemented, as necessary, to provide for (1) a broad set of means whereby citizens may have access to most governmental information and decisionmaking processes in both the legislative and executive branches of state and substate units of government; (2) involvement of the direct clientele of public service programs as appropriate to enable such state or local programs to work more smoothly, responsively, and productively; and (3) balanced involvement of a broad range of general and special interests in public decisionmaking significantly affecting the general public. Those requirements of state law would be supported, under this recommendation, by appropriate training and technical assistance efforts.

At the local and regional levels of government, provisions similar to, and consistent with, those proposed above for general state law, are recommended to be incorporated into specific state laws, charters, and other organic documents establishing units of local government and regional organizations.

With reference to the federal government's direct activities, the Commission recommends that serious consideration be given to more uniformly applying the same citizen participation processes, as those recommended for the states and their political subdivisions, throughout the Executive Branch and among the independent regulatory commissions, with appropriate distinctions being made to recognize differences in applying the general principles to differing types of federal activity. A major study, under accountable political auspices, and with citizen involvement, is called for.

At the heart of American representative democracy is the concept that government is the immediate responsibility of officials elected by the citizens. Except for the use of the initiative and referendum in certain limited cases and the town meeting form of local government, ours is a representative democracy. For the system to work effectively, elected officials should know and respond to the needs and views of the citizenry; and for this to happen there must be full and free interchange of information between the governed and the governors. Officials cannot know what decisions to make unless they know what their constituents are thinking and, conversely, citizens cannot judge the performance of their officials at periodic elections unless they know what decisions they make, and why. Hence, citizen participation activities outside the electoral process play a substantial role in assuring fulfillment of this need for the interchange of information.

Citizen participation plays an equally important role in keeping the bureaucracy responsive. The increased complexity of the economy and society, and the consequent expansion of government, have increased the number and the technical nature of problems confronting legislatures, generating a vast expansion in legislative delegation of policy responsibilities to administrative agencies. This development places heightened emphasis on the issue of bureaucratic responsibility.

Theoretically, accountability is maintained by the authority directly responsible for bestowing the power, that is, the legislative body and the elected executive. Practically, however, the theory breaks down, in part, due to the separation (and sharing) of powers that characterizes the federal, state, and many local governments. But, equally, if not more so, accountability is not ensured because of the general lack of insistence on it by legislative bodies (whether because of their lack of ability to devote time and resources to it, or lack of interest when compared with other more appealing duties). As a consequence, the term "bureaucracy"—whether fairly or unfairly—has become almost synonymous with the idea of unresponsiveness.

Concern over this evolution of bureaucratic isolation and unresponsiveness led directly at the federal level to Congressional enactment of the *Administrative Procedures Act of 1946*. While aimed primarily at the independent regulatory commissions in the beginning, it applies now to the entire federal administrative establishment and is the basic law opening up the administrative process to public access. Influencing and controlling the bureaucracy is an important focus of similar laws in state and local governments, and of the many forms of citizen participation at all levels.

One sure indicator of the significance of citizen participation in helping to hold elected officials and administrators responsible is the capacity of citizen participants to influence governmental decisions. Our study found that such influence, while not always present or in uniform degree, does occur frequently, as for example in:

—the selection of projects and activities in the Community Development Block Grant and the level of social service expenditures in that program;

—the determination of service budgets by certain HEW advisory committees;

—neighborhood health centers, where citizen boards have full governing authority or limited control over specific decisions;

—stimulation of localities' participation in grant programs; and

—the exertion of pressure on a local government to retain a program even after federal grant funds have ceased.

In the case of General Revenue Sharing, citizen participation also appears to have been influential in some cases, though the evidence thus far is mixed.

Citizen participation can have at least two other significant impacts on the effective functioning of government: strengthening of citizen trust in, and support for, government, and improvement of program performance. Current research, examined in this study, is equivocal on whether these results do flow from citizen participation in any measurable degree, if at all. In our judgment, however, there is no doubt that citizen participation, in some cases, does have (and in others could have) these effects.

In any case, the findings from our research and our experience with and study of the history and operation of American government firmly support the conclusion that citizen participation beyond the electoral process now is an essential part of representative democracy in America, helping to maintain the responsiveness of elected officials and the bureaucracy to the citizenry. Given the indispensability of citizen participation as a supplement to the basic electoral process, the Commission believes that governments at all levels should examine their existing citizen participation policies and practices with a view to providing the necessary authority, responsibility, resources, commitment, and leadership to assure that such participation is effective.

In urging the improved and expanded development and use of citizen participation, the Commission recognizes certain pitfalls that must be avoided in various aspects of existing citizen participation activities. One of these has to do with the issue of which citizens should, and do participate. In certain federal aid programs, legislation and/or regulations identify which citizens are to be "targeted," particularly when they are the disadvantaged or unorganized—in short, when they are not likely to be alert to defend their own interests. Even in such cases, however, as the Title XX (social services) and the Community Development Block Grant case studies reveal, the "targeted" low income groups were not, in fact, effectively involved. Beyond such specific identification of participants, it was found, generally, that participants tend to be an elite minority drawn mainly from middle and upper income groups and an upwardly mobile lower income group—not a full cross section of the citizenry. This suggests that reliance upon citizen participation efforts as a supplement to the electoral process and as a means of registering the "voice of the people" must be approached with caution lest the "people" turn out to be a narrowly based group with only a narrow special interest to be promoted. Thus, care should be taken to balance the views of all affected interests, including the public-at-large. Such a balance can be approached, for example, through careful delineation of advisory committee memberships, and through affirmative outreach to affected, but passive, groups and individuals.

A second issue requiring caution is the extent to which participation constitutes actual sharing in decisionmaking. The most common participation techniques—public hearings and advisory committees—serve to transmit advice for consideration by the responsible officials. In some cases, however, the role is conceived as one of sharing in decisionmaking and program control. This has been a prominent feature of the Community Action Agencies, with their "maximum feasible participation," in the antipoverty program. It also is a goal of many involved in the neighborhood decentralization movement in various urban areas. In such situations, sharing of control may be justified as a necessary means of achieving the effective representation of groups of citizens who ordinarily have no impact on the political process and are the identified beneficiaries of a particular governmental program. The danger is that when loosely used, power-sharing may undercut the authority and responsibility of legally established officials, both elected and administrative. Not only does it diminish their power, but it also enables them to pass the buck to others. Thus, the nature of the participation is critical to a determination of whether a particular kind of citizen participation will complement and abet the normal political process of decisionmaking or will confuse and possibly undermine it. Power-sharing situations, therefore, should be carefully and clearly delineated so that the roles of citizens and officials are well understood by both groups and mutually respected and supported.

Another way in which citizen participation may be employed to undermine official authority and work against officially declared goals of participation is when the process is co-opted by administrators. Some administrators, unconvinced of the legitimacy and potential benefits of citizen involvement, see it as a means of enhancing their own personal objectives or those of their program. Such officials tend to co-opt and manipulate participation mechanisms, notably advisory committees, so that instead of citizens serving as detached critics, sounding boards, and proposers of new ideas, they become unquestioning supporters of the administrator's policies. Independent funding and staffing of citizen advisory committees is one means of guarding against this, while another is the recruitment, training, and promotion of administrators for their ability to use, encourage, and incorporate the results of evenhanded and effective citizen participation.

A final *caveat* in the use of citizen participation concerns the danger of building up false hopes. We are convinced of the value of citizen participation, yet recognize, as indicated in our research findings, that governments have produced mixed results in inducing people to participate, and such participation in many instances has achieved only modest success in terms of influencing decisions, improving services, or improving the attitudes of affected citizens. Realistically, citizen participants should be conscious of the limits to their possible influence on public decisions. Citizen participation may evolve over a period to a point where the advice of citizens is paid more heed; and, indeed, where in certain situations citizens share a degree of control; but the constitutional nature as well as the dynamics of the system dictate that the role of citizen participants must, with few select exceptions, be advisory and supplementary to that played by duly constituted elected and appointed officials. Governments, however, can help to minimize false hopes by clearly stating at the outset, for example, the types of decisions which are susceptible to influence in each instance of participation, precisely who is responsible for making the final decisions, the timing of the decisionmaking process, how much and what type of assistance will be available to participating citizens, and what types of participation procedures will be used. A realistic approach by both citizens and the government will stave off many disappointments.

The basic mechanism for institutionalizing citizen participation processes at the state, local, and substate regional levels of government is state law. All states now have open meetings laws; most have laws allowing citizens to become involved in rulemaking proceedings of administrative agencies and 34 states have legislative review of administrative regulations; 40 states (as of 1975) require local budget hearings, while 37 provide public hearings for the state budget; and 47 states have open records laws. State laws also provide for state offices of voluntary action in over 30 states, and many such agencies have broader citizen participation roles than their names might imply. Some states also have a "State Ombudsman Act" and a "Uniform Public Assembly Act." In earlier reports, ACIR has called for state laws giving citizens explicit legal authority to contribute to the development of state and local budgets, and enabling the creation of neighborhood subunits of government in large cities and urban counties. This, of course, is not a complete catalogue, but it is enough of a listing to show that state law has contributed heavily to expanding citizen participation opportunities.

On the other hand, some of the state laws cited above have substantial deficiencies. For example, the open meeting laws fail to provide for prior notice of the meeting in eight states, and sanctions against violators are weak in about one-third of the states. Requirements for local budget hearings apply to both cities and counties in only 23 states. And, of course, some states do not have legislation requiring open records, budget hearings, or the establishment of state-level citizen participation offices. Thus, there is hardly a single state that could not improve its posture on citizen participation by systematically reviewing all of its existing citizen participation laws and regulations, and by taking steps to fill gaps and to coordinate the various components into a broadly applicable and internally consistent process designed to enhance citizen roles in state and local government and the responsiveness of such governments to the needs of their citizens. The Commission urges the states to take these steps.

In cases where general state laws dealing with citizen participation in local governments and regional organizations are lacking or deficient, effective citizen participation processes can be required in these political subdivisions through provisions in the specific state laws, charters, and other organic instruments establishing such subdivisions. Even where the general state laws on this subject are adequate, consistent citizen participation provisions in these instruments increase the visibility of such provisions, and reenforce the efforts to implement them. Care should be taken, however, to make sure that conflicts between these general and organic laws are avoided.

At the federal level, the 1976 report of the Federal Interagency Council on Citizen Participation recited a litany of shortcomings in citizen participation. These extend to such problems as the clarity and sufficiency of authority, inadequacy of resources, and lack of agency initiative and commitment. Such deficiencies apply to both direct federal and federally aided programs. The Commission notes that the Administration is reviewing existing citizen participation policies and practices in connection with its overall reorganization effort led by the Office of Management and Budget. We urge that this study be expanded and that due attention be given to the enforcement and evaluative processes. Inadequacies in these two related areas constituted serious obstacles to achieving more definitive judgments in this study of the real condition of citizen participation in federal agency activities.

As with the states, the federal government already has a substantial body of law and regulation relating to citizen participation in the Executive Branch and the independent regulatory commissions. This includes the *Administrative Procedures Act*, the *Freedom of Information Act*, the *Government in the Sunshine Act*, the *Federal Advisory Committee Act*, an executive order on federal agency consultation with outside interests in rulemaking and policy development endeavors, and several other actions such as those establishing offices of public affairs, offices of public counsel, offices of consumer affairs, and federal funding of public representation at various locations within the federal establishment. Yet, there is no general oversight of these several provisions. They apply unevenly throughout the federal government, attracting charges of inadequacy and ineffectiveness concerning their administration. Legislative proposals for strengthening some of these practices remain active, however, and this Commission's own study, with its necessary focus on grant-in-aid requirements for citizen participation rather than upon citizen participation within the federal establishment itself, has not resolved all of these issues. Nevertheless, the Commission is convinced that these are questions of substantial intergovernmental significance and urges that they be probed fully, using the same principles and guidelines recommended for citizen participation at the state, local, and regional levels. While the actual form of participation may vary slightly from one level of government to another, the Commission believes that the basic principles remain the same and is convinced that a consistent approach at each level will smooth intergovernmental relations in this field, thus holding duplication and potential conflict to a minimum.

RECOMMENDATION 2. CITIZEN PARTICIPATION IN FEDERAL AID PROGRAMS: A POSITIVE AND CONSISTENT FEDERAL POLICY

The Commission concludes that the federal government has a responsibility to ensure that requirements accompanying financial aid to state and local governments (and other community service organizations) will be applied in a way that will strengthen and support public decision-making processes by providing consistent opportunities for citizens to be heard prior to policy and/or administrative decisions directly affecting them. At the same time, the Commission observes that the more than seven score requirements for citizen participation now appended to a like number of federal assistance programs, taken as a whole, are diverse, complex, confusing, sometimes arbitrary, less effective than they might be, and difficult for some federal aid recipients to comply with. The Commission also observes that the majority of federal grant programs available to state and local recipients do not presently incorporate citizen participation requirements.

The Commission recommends, therefore, that Congress and the President enact legislation establishing general citizen participation policies for advisory processes to be applied consistently throughout the federal aid system, and that under such legislation the President designate a single Executive Branch agency with the responsibility and authority to ensure the consistent application and evaluation of these policies in the administration of federal assistance programs by the various federal departments and agencies. The designated agency should carry out its responsibilities in consultation with affected federal agencies, federal aid recipients, and citizens; and it should have authority to adopt administrative regulations necessary for compliance with the act, to recommend executive action by the President needed to realize the goals of the act, and to recommend to the President and Congress appropriate additional legislation on the subject of citizen participation. The policies established by this legislation should (a) establish clear objectives for citizen participation in federal aid programs; (b) enunciate performance standards that encourage the use of timely, effective, and efficient citizen participation methods tailored to diverse situations; (c) prohibit detailed federal specification of exact techniques and procedures to be followed by state and local recipients of federal aid; (d) rely, through a certification process, upon citizen participation provisions of state and local law and established practices thereunder, to the maximum extent consistent with the objectives established in this legislation; (e) authorize the expenditure of a reasonable proportion of funds in aided programs for citizen participation purposes; and (f) authorize the use of federal research, technical assistance, and training resources for the support of citizen participation objectives in federal aid programs.

The Commission recommends, further, that this legislation should repeal, after a reasonable transition period, all existing legislative provisions for citizen participation embodied in individual federal aid programs, except those that Congress and the President determine are justified by a need to confer a sharing in

decisionmaking on specific groups of citizens benefiting from a specific federal aid program.*

The first, fifth, and fourteenth amendments to the U.S. Constitution among other things guarantee to all citizens the rights to have a free press, exercise free speech, assemble freely with one another, petition their governments for redress of grievances, and receive equal treatment under the laws in accordance with "due process." The federal civil rights laws have emphasized even more fully that minority groups are not to be excluded from enjoyment of these and other rights. Specifically with respect to federal aid programs, civil rights legislation requires that funds be spent in nondiscriminatory ways. Several individual federal aid programs have specific provisions repeating bans on discrimination. By this means, federal aids now are required to meet the special needs of minorities, diverse racial and ethnic groups, various age and income groups, both sexes, and the handicapped or disadvantaged, as well as the needs of the general public. Thus, two principles have been established; (1) all the people are to have access to government, and (2) federal aid is to meet the needs of diverse and differentiated groups.

Citizen participation requirements are now established in 151 federal aid programs by legislation and administrative regulations. These currently require recipients at the state and local levels, including regional and neighborhood bodies, as well as private nonprofit organizations, to provide opportunities for affected persons to be heard during the process of administering federal aids. In two dozen programs, moreover, they must share decisionmaking authority with special citizen bodies established specifically for the purpose. The federal agencies responsible for administering federal aid programs also are required to be open to outside advice when they develop or revise administrative regulations for their programs. This comes about under the *Administrative Procedures Act*, the *Freedom of Information Act*, the *Government in the Sunshine Act*, and executive orders requiring "consultation" with affected parties in the rulemaking process.

These existing citizen participation processes provide a means, however imperfect, for aiding the people in the exercise of their constitutional rights of access to government and for helping governments in identifying the needs of the diverse groups to be assisted fairly and equitably under federal aid programs. These are important purposes, fully justifying federal requirements, purposes that would not be adequately met if the federal government were to retire from this field. Thus, the Commission recommends that citizen participation requirements remain an important element in federal aid programs.

Nevertheless, there is a great need for reform in these requirements and the way in which they are administered. In the first place, federal mandates are marked by considerable inconsistency. The 151 grant programs requiring public participation represent nearly one-third of all grant programs. The fact that over two-thirds of the programs (70%) are not subject to mandatory citizen involvement creates a strong presumption of inconsistencies in federal policies. This presumption is borne out by an examination of the mandating laws and regulations, which reveals that similar programs within the same department or agency, or programs in the same functional area, or programs dealing with like phases of policymaking—such as research or planning—often differ in respect to whether they do, or do not require citizen participation.

Beyond these inconsistencies are the variations in types of existing citizen participation requirements and the detailed application of those mandates. Eighty-nine of the 151 programs provide for advisory boards or committees and, of these, 24 exercise some share of decisionmaking in addition to advisory powers. Public hearings are required in 51 programs, and in 108 programs other types of public involvement are mandated. The latter provisions vary with respect to whether specific interests must be involved and, if so, which ones; at what stage of the decisionmaking process participation must occur; and the types of participation mechanisms mandated. Often it is difficult to discern why very similar programs, in the same functional area and frequently in the same department or agency, should require entirely different types of citizen involvement.

The diversity of federal requirements places undue burdens on recipient governments and citizens alike in "learning the ropes." Also, by failing to recognize the existence of citizen participation processes already established and working under state and local laws and practices, these requirements duplicate, confuse, and dilute the opportunities for effective participation, and make the process more costly. Moreover, present requirements too often contain specific and sometimes arbitrary specifications for public notice, representative organizations, and other features of the participation process which do not fit well in diverse situations. Finally, existing requirements too often are formalistic and legalistic, applying mostly at the latter stages of decisionmaking in a way which will satisfy minimum legal standards, and doing little to encourage the creative use of diverse methods which could enhance both the opportunities for participation and the constructive results from it.

---

*Congressman Fountain disagrees with this general repeal provision because numerous committees of the Congress have jurisdiction in this matter. He believes that it would be advisable to recommend conforming legislation for each of the grant programs affected.

314 As the above suggests, beyond the issue of inconsistencies is the question of the effectiveness of federal participation requirements. Our research shows that conclusions on the impact of citizen participation in federal programs must be tentative because of ineffective monitoring by federal administering agencies and the dearth of valid evaluation studies. Nevertheless, available studies under qualified auspices pointed fairly clearly to wide variations among the programs examined with respect to the effectiveness of citizen participation. This conclusion applied to evaluation of citizens' influence on the decisionmaking process, the effectiveness of program performance, and the effect on citizen attitudes toward government—three criteria commonly used to judge effectiveness.

These shortcomings stem in part from federal administration of the citizen participation requirements, as well as the defects of the statutory and regulatory governing provisions. The federal Interagency Council on Citizen Participation in 1976 recited a list of deficiencies in federal administration, including: unclear, inadequate, fragmented, or nonexistent authority and responsibility for citizen participation in government agencies; allocation of insufficient agency resources; and the uneven quality of the policy, commitment, and initiative of agency leadership. A Rand Corporation study of citizen participation in HEW grant programs substantiated these charges for that department. It found a lack of an overall citizen participation policy at either the departmental or agency level. The actual amount and quality of citizen participation in HEW grant programs was unknown, as was the general impact of citizen participation activities generated by these programs. This lack of knowledge, Rand concluded, stemmed from the absence of systematic monitoring or enforcement procedures.

The Commission's recommendation is intended to help correct these deficiencies through two mechanisms: (1) an omnibus Citizen Participation Act, and (2) a permanently designated Executive Branch agency to ensure consistent administration of the act. The new act would establish a general citizen participation requirement for advisory processes which would be applied consistently at the federal level from program to program and agency to agency. The overseeing Executive Branch agency designated by the President would be either an existing or a newly established unit and could be within or outside the Executive Office of the President. It would assist the various agencies administering federal aid programs in (a) adjusting their present citizen participation requirements to the general format, (b) establishing new requirements under the act for programs having none previously, and (c) administering the new and adjusted requirements consistently and effectively from year to year.

It is important that the designated agency have not only the responsibility but the authority to enforce federal agencies' compliance with the general citizen participation policies established by the new legislation. This authority should include the critical power to issue the implementing rules and regulations. In developing such regulations, the agency would be expected to enlist the assistance and cooperation of the affected agencies, as well as recipient groups and private citizens.

The designated agency would be expected to report annually to Congress and the President on agency compliance and effectiveness under this act.

This recommendation is consistent with Recommendation 11 of the Commission's 1977 report entitled *Categorical Grants: Their Role and Design*. That recommendation identified citizen participation mandates as one of over 30 requirements which apply more or less across the board to the grant system, and asked that they all be simplified, consolidated, and/or standardized by the means cited above, if not terminated after having been found "to be excessively burdensome, either fiscally or administratively, or to be impracticable to implement." The Commission believes that citizen participation requirements in federal aid programs, which are reformed as suggested here, will not be excessively burdensome or impracticable.

Legislation to carry out the ACIR recommendation on across-the-board requirements has been prepared and introduced in the 95th and 96th Congresses as part of the proposed "Federal Assistance Reform Act." One effect of that legislation would be to accomplish many of the objectives of the Citizen Participation Act called for here.

The new Citizen Participation Act would have several important features worthy of further explanation. First, clear objectives would be established for advisory citizen participation processes. These would be stated in terms of goals to be achieved, rather than procedures to be followed. Such goals spring from the constitutional rights and nondiscrimination statutes cited above. While these should be recognized in this act, the fuller range of objectives identified in this report also should be stated, including: (1) providing information to citizens; (2) obtaining information from, and about, the general public and affected segments thereof; (3) improving public decisions, programs, projects, and services through the use of citizen inputs; (4) enhancing the acceptance of public decisions, programs, projects, and services; (5) supplementing public agency work; (6) altering public resource allocations; (7) protecting individual and minority group rights and interests; and (8) delaying difficult public decisions, until better understanding of the issues is developed, and avoiding unwise public decisions. These objectives are more fully examined elsewhere in this report. They are diverse and they are used differently by different segments of both the citizen and official communities. The act should recognize this diversity and establish its legitimacy.

The second major feature of the act should be encouraging the use of effective and efficient citizen participation methods by federal aid recipients, in light of the diverse situations they face. This is accomplished by the enumeration of performance standards in the act and by encouraging reliance on processes established under state and local law, to the maximum extent consistent with the act's objectives. The performance standards would require that (1) significant policy and administrative decisionmaking processes relating to any federal aid program being carried out by the recipient government be open to public view, (2) opportunities for citizen advice be provided at the stages of the program involving problem and issue recognition, goal setting, fact finding and research, problem definition and revision of goals, development of alternative proposals, analysis of alternatives, recommendation and adoption of preferred alternatives, implementation of decisions, and evaluation of program results, (3) procedures for participation be simple, direct, and well advertised to attract all segments of the population reasonably expected to have an interest, (4) relevant information reasonably needed for effective participation be provided well in advance of the time specified for response, (5) technical assistance be provided upon request to groups and individuals having a demonstrated interest in the issue but lacking the technical resources to respond responsibly or constructively without such help, (6) economic assistance be provided upon request to participants having a demonstrated interest in the issue but who otherwise would be precluded or discouraged from participation by the economic loss incurred, and (7) training be provided for participants in the process who are not familiar with the procedures and techniques to be used. The federal agencies could, and should offer suggestions, guidelines, and perhaps even several "models" of citizen participation processes which would be acceptable and cost effective.

To assure necessary emphasis on the performance standards approach, the Commission believes that it is vital that the legislation prohibit detailed federal specification of exact techniques and procedures. This report has documented the large number of different forms and techniques of citizen participation which exist. At the same time, it has shown that most federal requirements call for the use of advisory committees and/or hearings at late stages of decisionmaking processes. These two techniques also are the most commonly specified ones under state and local laws, excluding electoral processes. Evaluations indicate that hearings are not rated high in overall benefits, and advisory committees also have drawbacks, even though they rated somewhat higher than hearings. Thus, present participation mandates tend to be duplicative among the levels of government, and based upon unimaginative and relatively ineffective techniques.

Consistent with the objectives of (a) encouraging diversity and new initiatives in grant recipients' development of participation techniques and (b) minimizing the burden of conforming with federal requirements, the legislation would provide for compliance through a certification process. Thus, if the recipients show that they have state and/or local laws and administrative procedures that offer citizens access to the decisionmaking process equivalent to that set forth in the performance standards of the act, they would be certified as meeting the participation requirements for any federal aid programs to which the act applied. Such certification, of course, would be subject to federal audit from time to time and to rescission upon a finding, after notice and hearing, that the recipient is not in compliance with the cited state or local laws and procedures or that such laws and procedures are not at least equivalent to the federal standards.

The new act would authorize the expenditure of a reasonable proportion of federal aid funds by recipients for support of related citizen participation processes, and use of funds and other resources available to federal agencies for the support of research designed to improve citizen participation procedures and techniques, as well as for the support of technical assistance to federal aid recipients and training for federal, state, and local officials, public employees and others needing to know more about citizen participation. These authorizations would help to make federal agencies understanding partners with assisted governments, rather than stoic enforcers of unreasonable and onerous requirements.

In order to fully achieve a consistency of citizen participation policies and their application throughout the government, it is vital that this act supersede, ultimately, the existing uncoordinated maze of separate statutory requirements. After a reasonable transition period for organizing the designated agency and issuing the necessary rules and regulations, therefore, the legislation should provide for repealing with some exceptions, all existing legislative provisions for citizen participation provided in individual federal aid programs. The exceptions are programs—usually those identified as clientele control programs—where program objectives require the specific citizens benefited to share in actual decisionmaking. These are relatively few in number but the individual circumstances vary sufficiently in some cases, as to the kinds of control involved, that they may not lend themselves to the across-the-board consistency required in this legislation.

Standardization, simplification, greater recipient discretion in procedural matters, but more federal firmness in performance objectives—these are the hallmarks of this recommendation. Each is needed in this area and at this time. Moreover, the stress on performance goals and the de-emphasis of procedural specification, along with the greater reliance potentially on recipient practices, represents a much needed sorting out of the responsibilities of the differing levels in this area. The prime thrust here is on advisory mechanisms and goals, but ample room is left for the "power-sharing" and "consensus-building" alternatives. For all these reasons, the Commission is convinced that this strategy represents the most sensible, sensitive, and intergovernmentally sound approach to end the present chaos in the field of federally mandated citizen participation requirements.

Summary and Analysis of Comments Received by The Advisory Commission on Intergovernmental Relations Concerning the Draft Report Entitled "Citizen Participation in the American Federal System"

PROCEDURES

ACIR's normal procedure following the preparation of a draft report is to submit it to a group of two to three dozen public officials, researchers, and others qualified to assess the topic of the report in an intergovernmental context for review and comment. The draft report entitled *Citizen Participation in the American Federal System* underwent such a review in November 1978, culminating in a "critics" meeting at the Commission offices on December 5, 1978. In addition, because of the special nature of this report, the Commission itself held a public hearing on the report at its meeting on December 7, 1978. Of the 41 persons invited to participate in these two sessions, 29 attended, and eight written statements were submitted for the hearing (see *Appendix B*).

Some of the critics and certain witnesses at the hearing requested additional time to complete their reviews and suggested that the review process for this report be widened to a much broader audience, including particularly citizens' groups of many types. As a result, the Commission directed the staff to conduct a broader review.

Subsequently, the staff distributed over 200 copies of the draft report for review and comment. These copies were sent to 59 national citizens' groups, ten universities and research organizations concerned with citizen participation, 43 state and local governments and their national associations, 41 federal government agencies, and 11 others. Written responses were received by ACIR from 30 of the additional 200 reviewers. In addition, certain Commission members and staff met on February 21, 1979, with two groups of citizens for dialogue about the draft report.

Most of the responses were very thoughtful, and a few provided additional research references which the staff has endeavored to incorporate into the background chapters. Most of these responses also took positions on the recommendation options in the draft report, and a few suggested additional options. Various other comments also were made.

The comments received at the critics meeting, at the hearing, and subsequently in writing are summarized in the two attached tables which are described below:

Figure A-1. Views on ACIR's Draft Citizen Participation Recommendations Received at, and Following, the December 7, 1978, Hearing.

Figure A-2. Summary of Comments on ACIR Draft Citizen Participation Report, with Staff Responses.

Summaries of the two dialogue meetings follow descriptions of these two tables.

RESPONSES TO RECOMMENDATIONS

Briefly, the responses to the initial draft recommendations appearing in *Figure A-1* are summarized in *Summary Table A-1.*

Summary Table A-1

Source of Position Statement	Support for First Draft Recommendations							Total Responses
	1a & b	1a(only)	2A	2B	2C	Other	None	
Hearing	1	1	0	3	2	1	4	9
Subsequent Written Comment	9	7	1	9	8	6	6	30
Totals	10	8	1	12	10	7	10	39

This summary tabulation shows the greatest support (18 respondents) for the first part of draft Recommendation 1 calling for general support of an effective citizen participation process at each of the levels—federal, state, and local—in their respective direct activities. The second part of that recommendation, calling for caution in establishing citizen participation processes, was supported by only ten respondents. Several respondents noted the difficulty of legislating such general cautions in an effective way, and also disagreed with the negative tone of the word "caution." Positive provisions for fairness, openness, timeliness, and assistance to citizens might have the desired effect without the negative connotations, some felt.

Among the initially drafted options in Recommendation 2, concerning citizen participation requirements in federal aid programs, 2B was the most favored (12 respondents). This option calls for a consistent positive approach to citizen participation throughout the federal aid system based upon clear purposes and related performance standards. A significant number of other respondents (ten) preferred option 2C which calls for incremental improvements in the citizen participation requirements of various groups of programs. A few respondents suggested combining the differentiated approach in 2C, which they felt to be more practical and better fitted to the diversity among federal aid programs, with the performance standards approach of option 2B.

Some objections to 2B arose regarding the presumed unworkability of the "designated agency" approach and from a misunderstanding of its proposed role. Opponents of the designated agency believed it would displace the individual grant making agencies in the administration of citizen participation requirements, although such displacement is not proposed in 2B. Instead, the designated agency's proposed role is to work with affected agencies in developing effective and appropriate performance standards and then to require that such standards be consistently administered by the various grant making agencies themselves.

Another reservation about the designated agency approach was the perceived difficulty of finding an agency worthy of being designated, willing to accept the designation, and capable of effectively carrying out its unifying role. Others, however, proposed specific candidates for designation. It should be noted also, that previous ACIR research has found that the designated agency approach has been successfully used in such fields as wages, merit systems, and environmental affairs, while the weaker lead agency approach (operating solely by persuasion among agencies having equal authority) seldom has been an effective unifier.

Only one respondent—the National School Boards Association—favored option 2A which calls for abolition of most federal aid requirements for citizen participation. Support for this option was based upon the closeness of elected school boards to the pulse of their own communities, combined with the proliferation of U.S. Office of Education requirements for a great many advisory committees which were perceived as duplicative, unnecessary, and counterproductive distractions in the education process. Arguments against this option, made by at least nine respondents, cited the unevenness of citizen participation opportunities provided by diverse federal aid recipients and the responsibility of the federal government to assure the expenditure of its aid funds in accordance with consistently open decisionmaking processes at the administering levels of government.

Several other major options were proposed under Recommendation 2, as modifications of, additions to, or substitutes for, options B and C. They are:

- A three-part approach to performance standards, (1) setting basic standards for access to decisionmaking processes in all programs and for the expression of views and advice by all interests before decisions are made, (2) providing for specified degrees of direct clientele involvement and control in those programs designed to serve individuals, and (3) providing special standards for affirmatively seeking broadened participation in those programs designed to be of general significance to the whole community and needing community consensus. *Figure A-3* summarizes this approach.
- The substitution of a lead agency with a primarily technical assistance and advisory role, in place of the designated agency with its coordinating role. This lead agency would promote the use of improved citizen participation practices in the programs of other federal agencies, and perhaps provide assistance to federal aid recipients as well. Each program, then, would improve at its own pace under its own legislation and in accordance with its own needs.
- Giving the lead agency the additional responsibility of drafting appropriate legislative proposals for coordinating and/or consolidating citizen participation requirements.
- Without changing existing citizen participation requirements, enactment of legislation to provide interagency coordination through a White House office, to create an office of public counsel in each agency, to provide grant programs in each agency to fund citizen participation, to establish a program to train state and local officials and citizens in citizen participation, and to require an annual report on citizen participation from each agency.

It was also suggested that apart from whatever might be decided under Recommendation 2, there should be an additional recommendation dealing with citizen participation research and evaluation studies. Too little is known, some argued, about the effectiveness of various citizen participation techniques, despite the expenditure of significant amounts of research funds on this subject in recent years. A better directed and coordinated research effort might produce more and better results for little greater expenditure.

OTHER COMMENTS

319

Figure A-2, summarizing all but a few late comments on ACIR's draft citizen participation report, is organized into six parts:

I. The Review Process
II. Questioned Phrasings and Concepts
III. Proposed Factual Corrections
IV. Omissions Cited, and Proposed Additions
V. Format, Organization of the Report, and Effectiveness of Presentation
VI. Views on Issues and Recommendations

The table also indicates whether the comment was made at the critics meeting, at the hearing, in written statements submitted since the hearing, or came from more than one of these sources (as of February 9).

As *Figure A-2* shows, most of the comments can be accommodated. Two general points, however, need to be mentioned here.

First, with respect to recommendations, the established role of ACIR staff is to provide a broad range of possible recommendations, but to remain neutral with respect to them. It is the Commission's role to choose the most appropriate options.

Second, with respect to proposed additions to the report, time and resource constraints must be considered. Several worthy suggestions were made for expanding the scope of the report. In some cases, it is not possible to do much more

Figure A-1

VIEWS ON ACIR'S DRAFT CITIZEN PARTICIPATION RECOMMENDATIONS RECEIVED AT, AND FOLLOWING, THE DECEMBER 7, 1978, HEARING

Date	Commentor	Recommendations Supported						Remarks
		1	2A	2B	2C	Other	None	
12/7/78	I. Toni Thomas, Housing and Urban Development, Washington, DC						X	
12/7/78	Lee Gray, Vice President, Interagency Council on Citizen Participation, Washington, DC						X	
12/7/78	Richard Ives, Assistant Director, Division of Budget and Planning, State of Missouri, and Member, Council of State Planning Agencies			X				
12/7/78	Clifford W. Graves, Chief Administrative Officer, San Diego County, CA	1a		X				
12/7/78	Howard W. Hallman, President, Civic Action Institute, Washington, DC				X			With some features of 2B added.
12/7/78	Nelson Rosenbaum, Senior Research Associate, The Urban Institute, Washington, DC	1		X	X	X		Recommendation 1 should be strengthened by defining the objectives of citizen participation more clearly. Recommendation 2 should be reworked combining features of 2B and 2C. An additional recommendation should be developed on research and evaluation matters.
12/7/78	Harriet Hentges, Executive Director, League of Women Voters of the U.S., Washington, DC						X	

12/7/78	Dorothy Height, President, Alliance for Volunteerism, Buffalo, NY						X	
12/7/78	Graciela Olivarez, Director, Community Services Administration, Washington, DC							Opposed 2A.
1/11/79	David A. Grossman, The Nova Institute, New York, NY							Opposed 2A.
1/12/79	Steven Cohen, Environmental Research Fellow, SUNY, Buffalo, NY					X		Especially opposed to 2B "designated agency."
1/16/79	Martin M. Harmuth, Chairman, Northeast Dayton Priority Board, Dayton, OH							Opposes 2A.
1/17/79	Edward L. Falk, Professor of Planning, Clemson University, Clemson, SC	X			X			
1/19/79	William R. Hutchinson, Research Associate, Institute for Behavioral Research, Inc., Silver Spring, MD			X		X		Add recommendations to improve evaluation and research.
1/23/79	Jon Van Til, President, Association of Voluntary Action Scholars, Boulder, CO	X		X				Some features of 2C also are attractive.
1/23/79	Eddie N. Williams, President, Joint Center for Political Studies, Inc., Washington, DC	X		X				Need adequate staffing, etc. Opposed 2A. Option 2B should be modified.
1/24/79	Thomas L. Kimball, Executive Vice President, National Wildlife Federation, Washington, DC	1a		X				Emphasizes need for federal financial support.
1/24/79	Thomas A. Shannon, Executive Director, and August W. Steinhilber, Association Executive Director, National School Boards Association, Washington, DC	X	X					Emphasizes duplication of CP resulting from federal mandates on top of state and local ones.
1/29/79	Kent A. Peterson, Acting Deputy Director, Office of Revenue Sharing, U.S. Department of the Treasury, Washington, DC						X	Technical comments offered on portions of *Chapter 4* dealing with General Revenue Sharing.
1/29/79	Trudi C. Miller, Program Manager, National Science Foundation, Washington, DC	X						Not sufficient findings to support recommendations. Suggests six-nine months of further research.

Figure A-1 (cont.)

VIEWS ON ACIR'S DRAFT CITIZEN PARTICIPATION RECOMMENDATIONS RECEIVED AT, AND FOLLOWING, THE DECEMBER 7, 1978, HEARING

Date	Commentor	Recommendations Supported						Remarks
		1	2A	2B	2C	Other	None	
1/29/79	**Oliver Brooks, Chairman, Panel on the Local Impact of Maritime Facilities/Services, Maritime Transportation Research Board, National Academy of Sciences, Washington, DC**			X				The designated federal agency should be a commission. Opposed 2A.
1/29/79	**John C. Wolfe, Executive Director, The National Council of Community Mental Health Centers, Inc., Washington, DC**	X			X			Opposes 2A.
1/30/79	**Secretary Patricia R. Harris, Housing and Urban Development, Washington, DC**	X			X			2A is worst option.
1/31/79	**Ken Thompson, and Stuart Langton, Lincoln Filene Center for Citizenship and Public Affairs, Tufts University, Medford, MA**	X		X				With modifications to remove the negativism in Recommendation 1, and in Recommendation 2B to avoid a single authoritative agency for citizen participation to improve the performance standards, to permit continued use of detailed federal specifications for citizen participation, and to delete the repeal of existing citizen participation requirements. 2A is irresponsible.
1/31/79	**Toni Y. Buckson, Volunteer Service Corps, City of Baltimore, MD**	X		X	X			Definitely opposed to 2A and saw 2B and 2C as complementary.

2/1/79	Ruth J. Hinerfeld, President, League of Women Voters of the U.S., Washington, DC	1a		2C			With some revisions, and combined with some features of 2B. Opposes the designated agency.
2/1/79	Victor H. Harry, Jr., Deputy Administrator for Programs and Office of Public Participation, Soil Conservation Service, U.S. Department of Agriculture, Washington, DC	1a	X				Reluctant support for 2B.
2/1/79	Belle B. O'Brien, President, Interagency Council on Citizen Participation, Washington, DC					X	
2/1/79	Robert J. Rauch, Staff Attorney, Environmental Defense Fund, Washington, DC					X	Suggests including the topic of Presidential influence in agency rulemaking.
2/2/79	Susan R. Greene, Executive Director, Alliance for Volunteerism, Buffalo, NY				X		Supports a recommendation combining certain features of the options in ACIR's report, and other concepts such as volunteerism.
2/2/79	Lawrence Connell, Administrator, National Credit Union Administration, Washington, DC	1a	X				
2/5/79	Pablo Eisenberg, President, Center for Community Change, Washington, DC	1a		X	X		Strengthening existing federal requirements, encouragement from a special White House office, and special provisions for funding and informing citizen groups as suggested.
2/5/79	Steven D. Rudman, Administrator, N.W. Portland Neighborhood Revitalization, Portland, OR				X		Supports a new White House office of citizen and community affairs and direct federal support for community-based organizations and the volunteer sector.
2/9/79	William R. Freezle, Acting Deputy Associate Director for Intergovernmental Affairs, Office of Management and Budget, Washington, DC	1a		X			Opposes 2A. Some interest in 2B.
2/13/79	Douglas M. Costle, Administrator, Environmental Protection Agency, Washington, DC	1a		X			Opposes 2A. Opposes repeal language in 2B.

Figure A-1 (cont.)

VIEWS ON ACIR'S DRAFT CITIZEN PARTICIPATION RECOMMENDATIONS RECEIVED AT, AND FOLLOWING, THE DECEMBER 7, 1978, HEARING

Date	Commentor	Recommendations Supported						Remarks
		1	2A	2B	2C	Other	None	
2/14/79	**Clifford W. Graves, Chief Administrative Officer, San Diego County, CA**						X	Position previously given. This is an expansion of earlier hearing testimony.
2/20/79	**Mary C. DeCarlo, President, Volunteer Development Institute, Vienna, VA**					X		Saw all proposed recommendations fitting into a progression, beginning with federal aid simplification and ending with greater reliance on capable administering agencies.
2/26/79	**Toni Y. Buckson, Coordinatror, Volunteer Service Corps, City of Baltimore, MD**						X	Promotes inclusion of the volunteerism concept.
2/28/79	**Robert W. Lamson, Program Manager, National Science Foundation, Washington, DC**						X	This is an expansion of remarks made at the morning citizens' dialogue meeting on February 21.

than recognize the gaps which have been pointed out and to hope that others will help to fill them in some other way. The primary focus for ACIR has to be the *intergovernmental* aspects of citizen participation, and these are reflected largely through the federal aid system. Thus, citizen participation at any one level of government alone (such as in direct federal activities) is not a primary focus. ACIR's other focus—on *decisionmaking processes*—comes from the Congressional mandate for this study. Thus, volunteerism, consumer complaints, and casework by elected officials are secondary in this report. In light of other demands in our work program and our mandate in this study, ACIR focuses on intergovernmental decisionmaking processes in a broad context in this report, but must leave aside detailed treatment of several related parts of the citizen participation topic.

ADDITIONAL WRITTEN COMMENTS

Nine additional letters commenting on the draft report and recommendations were received between February 9 and March 1, 1979. Very largely, these letters reiterated points made at the "critics" meeting, the Commission hearing, the citizen "dialogues" on February 21, or in written comments received earlier.

Of these nine letters, six expressed preferences on the draft recommendations. These preferences have been incorporated into *Figure A-1.*

Additional comments offered which are not covered in *Figure A-2* are:

- A call for periodic national reports on citizen roles in government (like those on national security, the economy, and the environment), with Congressional hearings. These reports would suggest needed actions, means and resources, and necessary conditions for improved citizen participation, and would spur a continuing national dialogue on these issues.
- Already successful citizen groups should be used to provide advice and technical assistance to others. They are best qualified to do so with respect to methods of achieving and evaluating success. Many "mechanical"

aspects of citizen participation techniques, however, may be adequately assisted by private consultants. Evaluations prepared by consultants or nonprofit research groups should be reviewed by representative citizen groups and government agencies before being accepted.

- Two points in the background chapters which need clarification are: (1) the emancipation of black voters is still far from complete, despite the *Voting Rights Act*, and (2) the increased roles of professionals, technocrats, and experts are even more of an obstacle to citizen participation than recognized in the report.

The staff has taken these additional comments into account as fully as possible in the final editing of the report.

TWO "DIALOGUE" MEETINGS

Chairman Beame and staff met with two groups of citizens on Wednesday, February 21, 1979—one group in the morning and another in the afternoon. Commissioners Cutler and Dealaman also were present for the morning meeting. The purpose of these meetings was to receive additional comments on the draft report entitled *Citizen Participation in the American Federal System*, particularly with respect to the recommendations suggested for consideration by the Commission.

The Morning Meeting

The meeting began with a clarification of Commission procedures for the adoption of recommendations. It was explained that the staff role is to develop a broad range of recommendations, with supporting arguments, representing alternative positions which the Commission might take. The Commission's role is to debate, at the two-day Commission meeting, any such alternatives found to be of interest, and to adopt those which may be agreed upon. Thus, a primary result of meeting with citizens and receiving written comments from others was to refine and expand the set of recommendations for Commission consideration. The objective was to include all options having significant support from one or another viewpoint.

The scope of the report was discussed briefly. It was acknowledged that not all parts of the topic were treated equally in the report, nor could they be within the time and resources available to ACIR. ACIR's primary focus is on the intergovernmental aspects of citizen participation. It was suggested that (1) this be acknowledged in the report, and (2) ACIR might consider recommending further studies at some time in the future. Alternatively, it was suggested that ACIR's report itself should be revised to set citizen participation more fully in the context of the overall health of government and politics in the United States today.

The quality of citizen participation was discussed as one very important aspect which needs further study. Another such aspect is the willingness of elected officials to view citizen participation in a nonadversarial way, and use it constructively. Yet, there is the practical problem of striking a balance between involving citizens more and paralyzing government thereby. The moral suasion of ACIR could be an important factor in improving the quality of citizen participation.

It was suggested that a central and visable "place to go to" for help in improving the practice of citizen participation is essential. This was called more important at this time than more legislative mandates for citizen participation, because such mandates already abound. The revised recommendation language submitted by the Alliance for Volunteerism stresses this point. The help offered might relate to the following six "essential ingredients" emerging from the ACIR report (as one participant viewed it):

1) equal access by citizens to governmental decision processes, including governmental outreach to the public;
2) removal of the mysteries and unknowns for participating citizens;
3) making citizen participation more central to governmental decision processes;
4) clarifying the relationship between citizen participation and the political process;
5) broadened and facilitated access by citizens to governmental information; and
6) increased availability of technical assistance and training.

Some recommendations for smaller, "do it

Figure A-2

SUMMARY OF COMMENTS ON ACIR DRAFT CITIZEN PARTICIPATION REPORT WITH STAFF RESPONSES
(comments received as of February 9, 1979)

Source of Comment*	Comment	ACIR Response
	I. Review Process for the Report	
C/H/A	Need more time for review (2-12 weeks).	Staff informed Commission of this desire. Commission deferred action on report until March 1979, and instructed staff to consult with a broader range of interested parties. Letters to well over 100 groups sent, allowing more than one month for reply.
C/H	"Citizens" should be asked to review the report also, not just the Washington bureaucracy, especially with regard to recommendations.	Two-hundred additional citizen groups, individuals and governmental agencies were sent copies of the draft report and were invited to comment.
H	A more complete review is needed by federal agencies, and by state and local officials.	Additional federal agencies were asked to review and comment. Invitations for public interest group reviews were renewed.
H	Comments received should be analyzed by the staff, provided to Commission members well in advance of the meeting at which action will be taken on the report.	This will be done.
A	Citizens should have been involved in the ACIR research before the draft report was completed.	In retrospect, that probably is correct. The project originally was conceived on a much narrower basis, but it grew in scope and significance as the research progressed.
	II. Questioned Phrasing and Concepts	
C	"Upwardly mobile low income" is an inflammatory phrase.	Nevertheless, it is accurate and was used by cited sources.
C/H	Implication that citizen participation "does not work" is incorrect or imprecise. There are many examples (especially Community Action Programs) where citizen participation "does work." The findings do not support the "disasters" described in conclusions beginning	The new draft will be sensitive to this point.

*C—Critic session.
H—Hearing.
A—Additional comments submitted after the hearing.

	each option in Recommendation 2. *Chapter 3* says that citizen participation can work.	
C	Do not "target" or choose publics in advance for participation. Opportunities for participation need to be left open to all, because very often the persons and groups who need to be in the process are not identified until the process is well along.	Targeting, which frequently is called for in legislation, does not exclude others. Additional groups can be targeted as they are identified. Clarification will be added in the report.
C/A	*Chapter 3* places too much emphasis on citizen participation techniques, two-thirds of which are just paper tigers. Citizen participation is power dynamics; official attitudes are the key variables while techniques are distinctly secondary. The report soft-pedals the need for active support of citizen participation by state and local officials, if citizen participation is to be effective.	*Chapter 3* makes this point. It will be further highlighted.
C	In *Chapter 3,* don't press the citizen/leadership dichotomy; put it in context of elected officials' relations with constituents. Avoid polarization in *Chapter 6.*	The real world often contains this dichotomy. It should not be hidden in the descriptive research. Recommendations will deal with this issue.
C	In *Chapter 4,* the historical stages of federal citizen participation requirements were not as distinct as stated, and were "superseded" only by shifts in emphasis rather than by being displaced.	The revised *Chapter 4* will reflect this.
C	In evaluating federal citizen participation requirements (*Chapter 4*), distinguish between inadequacies resulting from lack of enforcement and those resulting from the requirements themselves. Enforcement is difficult because the grant cutoff lever is too blunt.	We will try to do this, though data are far from adequate.
H	*Chapter 4* says that citizen participation is a good idea, but it has never really been tried.	This will be highlighted as one interpretation of the findings.
C/A	In Recommendation 1, tone down the words "undermine" and "distort."	The words are appropriate, in the context of the optional language of this recommendation.
C	Don't separate citizen participation process from program substance.	Stress on the eight "purposes" in *Chapter 3* protects against this.
H	The report has a governmental orientation, as opposed to a citizen perspective. It should be more balanced.	Stress on all eight "purposes" will bring out this point, although the ACIR mandate prompts an intergovernmental orientation.
A	"Getting information *about* people" has sinister overtones which would damage government's credibility.	All surveys and the census actually do produce information *about* people. Such information is essential to decisionmaking. Much of it is factual rather than atti-

Figure A-2 (cont.)

SUMMARY OF COMMENTS ON ACIR DRAFT CITIZEN PARTICIPATION REPORT WITH STAFF RESPONSES
(comments received as of February 9, 1979)

Source of Comment*	Comment	ACIR Response
		tudinal, and would not be covered by "getting citizens' views."
A	Make the distinction between advisory committees which have "official" responsibilities and those which are strictly advisory.	We will attempt to do so, whenever possible.
	III. Factual Corrections	
C	Need to update pp. 22-26 of *Chapter 4* with regard to recent federal activities.	Mary Hill of CSA will send information, and it will be incorporated.
H	Evaluation of citizen participation in Iowa Title XX is incorrect.	It will be corrected.
A	Corrections for *Tables 3-5 and 4-1* were submitted.	They will be made.
	IV. Omissions Cited and Proposed Additions	
C/H/A	*Chapter 2* should be broadened beyond history and political science to encompass also the background of citizen participation arising from such fields as social work and social psychology; public choice theory and the use of economic market forces; interest group dynamics (David Truman); party structure and aggregation of individual views (Nye); and political polling.	Existence of these other fields of information will be acknowledged, but cannot be encompassed in detail. They will be explicitly excluded from the scope of the study.
C	*Chapter 3* does not include citizen participation techniques developed and used in the environmental field; should be expanded. Paying taxes is a form of citizen participation.	Citizen participation techniques from the environmental field are already included, as are taxpayers' interests.
C/A	*Chapter 3* should deal with antagonisms between citizens and "experts."	The distinction already is there, but will be sharpened.

H	*Chapter 3* should discuss the need for creating a method for involving citizens in the development of national issues.	Some mention of this will be made in *Chapter 4*, but direct federal citizen participation will be defined outside the primary scope of this study.
C/A	Report should include a section (and recommendations) on direct federal regulatory decisionmaking—*Chapter 4*. Federal permits and licenses "aid" activities every bit as much as federal grants.	This topic is too big. The parallels will be noted but the broader topic will be explicitly excluded.
C	Also, identify points at which citizens have legal recourse on public issues. Expand upon NEPA's role in opening the flood gates of direct federal-citizen relations—*Chapter 4*.	Citizen participation in direct federal activities will be recognized in passing, but not treated in detail; will be explicitly excluded from scope of this intergovernmental study.
A	The issue of Presidential interference in agency rulemaking after the close of the public comment period should be addressed.	Since this is not a matter of citizen participation requirements transmitted by intergovernmental grants, and is a highly technical legal issue, it will not be dealt with in this report.
C/H	*Chapter 4* should include more about the *Voting Rights Act*; special problems with federal citizen participation requirements such as their tendency to transfer control to special interests and providers; public lands planning (Conservation Foundation case study); and NSF study of citizen participation in port development.	Direct federal activities will be defined out of the study. The special interest and provider control issues in federal aid will be dealt with specifically, however.
C	If citizen participation in direct federal activities are to be included, *Chapter 4* should describe activities like the White House Conference on Balanced National Growth and Economic Development; there are five or six such events with major significance. Activities of some major Presidential commissions should be included.	Some such mechanisms will be discussed briefly, but direct federal activities will be explicitly excluded from the scope of the study.
A	Two additional reports concerning experience with the General Revenue Sharing program were submitted, along with several minor technical amendments to the portion of *Chapter 4* dealing with this program.	These will be cited and used appropriately.
A	The CZM case study in *Chapter 4* should be expanded to include Maine and North Carolina, among others.	While this might be desirable, it is neither essential nor feasible at this stage.
C	Concentrate more on the analysis of citizen participation requirements in federal aid programs. (Perhaps use information from President's Planning Requirements Review.)	Extensive work on this is now completed.

Figure A-2 (cont.)

SUMMARY OF COMMENTS ON ACIR DRAFT CITIZEN PARTICIPATION REPORT WITH STAFF RESPONSES
(comments received as of February 9, 1979)

Source of Comment*	Comment	ACIR Response
C	*Chapter 5* needs more analysis of state and local citizen participation experience, including the citizen view of such experiences.	Major new research on this is not feasible, but any additional information available along those lines will be incorporated.
C/H	*Chapter 5* should cover state "Administrative Procedures Acts" (and environmental review systems). It does not relate well to recommendations, as it stands. It should be the basis for Recommendation 2A.	This will be done (except for environmental review systems).
A	The cultural heritage in America affirming the intrinsic value of citizen participation, and the essential need for government to provide opportunities for citizen participation, should be considered separately from, but contrasted with, the fact that most participation (whether electoral or other) involves only a portion of the citizens—usually not even a majority.	Those points will be reflected more fully in the revised draft, though these already are covered in *Chapter 2*.
A	A recent report (November 1978) by Lawrence Johnson and Associates, Inc., identifies exemplary and innovative approaches to citizen participation in 31 communities receiving Community Development Block grants. This study is entitled *Citizen Participation in Community Development: A Catalog of Local Approaches.*	The report will be cited and referred to appropriately.
A	The report should devote much more attention to citizens as volunteer coworkers with government throughout managed its diverse activities not just in policymaking.	*Chapter 3* recognizes citizen assistance to government as one of the eight major purposes of citizen participation. It will be further highlighted, though the focus of the study is on policymaking.
	V. Format, Organization of the Report, and Effectiveness of Presentation	
H	The report is too long; needs an executive summary.	A summary will be provided upon completion of the report.
C/H/A	Simplify the report by concentration on just a few major issues. Only federal aid requirements for citizen par-	The major emphasis will be placed on citizen participation requirements in federal aid programs.

	ticipation? Only the bottom-up forms of citizen participation? Make the focus clear in *Chapter* 1.	
C	A clearer differentiation is needed between "citizen participation" (which is a bottom-up, grass roots process) and "representative governments" (which is a top-down, elitist process)—*Chapter 2.*	This distinction will be clarified, though without the judgmental overtones.
A	The historical material in *Chapter 2* leaves gaps, including Pericles' Funeral Oration, the Federalist Papers, theories of Edmund Burke, and the Office of Education's citizen education project.	Such additions will be considered, but obviously any brief chapter on this mammoth topic must be selective, with an American focus. No major expansion of this chapter is contemplated.
C/A	A list of reasons as to why citizen participation "does not work" is needed—*Chapter 3.* One source would be a workshop conducted by Judy B. Rosen at the National Conference on Citizen Participation, Washington, DC, October 1, 1978.	The "findings" will be sharpened and expanded.
C	There is a need to clarify the distinctions between consumer complaint and Congressional casework processes, on one hand, and other types of citizen participation. They are not substitutes for each other—*Chapter 3.*	These different forms of citizen participation are not substitutes for each other and this will be clarified in the report. Emphasis will not be on complaints and casework.
C/A	The typology of citizen participation "purposes" in *Chapter 3* is extraordinarily confusing; not tied to *Chapter 2.* Stick with the first three purposes, because the others are distinctly secondary and not the focus of citizen participation—or at least divide the purposes into two groups. Reduce the overlap among the purposes. An opposing view indicated that purposes 6, 7, and 8 are far from secondary; they represent different viewpoints.	All eight purposes were found in the literature and are operative. The overlap arises from disparate viewpoints of the different actors. The purposes will be identified as to who holds them.
A	The citizen participation purposes of "giving information" and "getting information" are *not* purposes, but adjuncts to other purposes.	That assertion assumes that all participation must be two way. As desirable as that would be, much actual participation is one way.
A	*Tables 3-1, 3-2, and 3-4* would be improved by classifying the citizen participation purposes in the stubs according to who holds them—agency or citizen.	We agree and will make the necessary changes.
C	*Chapter 5* should make a clearer distinction between citizen participation in planning vs. financing, and in specific programs and projects vs. overall budgeting; the tensions (or conflicts) between the differing levels or tiers of decisionmaking need description.	*Chapter 3* does this already. It will be sharpened and included in the *Chapter 6* "findings."

Figure A-2 (cont.)

SUMMARY OF COMMENTS ON ACIR DRAFT CITIZEN PARTICIPATION REPORT
WITH STAFF RESPONSES
(comments received as of February 9, 1979)

Source of Comment*	Comment	ACIR Response
C/H/A	No clear connection between background chapters and the issues and recommendations in *Chapter* 6.	The connection will be clarified.
C	*Chapter* 6 should be very clear about the types of programs subject to recommendations—federal aid vs. direct federal, etc. Also, explicitly say that the recommendations do not deal with all the issues and findings.	These suggestions will be followed.
A	The relationships between the Congressional request for this study, the concept of the study, and the intended uses of the study are unclear.	These will be clarified in the *Preface* to the final report.
A	A clear definition of citizen participation and several other terms would be desirable.	These terms lend themselves as much to discussion and analysis, as to precise definitions. The final report will be as clear as possible, however.
	V. Format, Organization of the Report, and Effectiveness of Presentation	
A	The principles used in developing recommendations should be clearly stated.	The draft recommendations are in alternative form, and each reflects different approaches. Once the Commission has made its choice among the options, *Chapter* 6 will take on a greater degree of focus.
A	The report is unclear and inadequate, lacks adequate references, and needs additional editing.	We will do our best to improve the final draft.
	VI. Views on Issues and Recommendations *(Chapter 6)*	
C	Make the point that the political "costs" of ignoring citizen participation are going up greatly. Elected officials who ignore it don't get re-elected.	The point will be made, though perhaps somewhat more subtly.
C/H	Need to stress that government should help to equalize the ability of different interests to participate, and to help redress poverty and discrimination. Simple legal opportunity, without assistance, loads the dice against	*Chapter 3* makes this point, and so does Recommendation 2B.

	the poor vis-a-vis corporations and other established groups.	
H	The purpose of citizen participation is to supplement the basic political process, not to replace it. Often, it gives minorities and the poor new points of entry into the process. The citizenship training aspects of citizen participation are important.	These points will be further highlighted in the issues section of the report.
A	The role of federal citizen participation requirements is to add national goals for equal opportunity to the participation processes at state and local levels. This can open such processes and make them more fully inclusive than they might be otherwise.	This is consistent with Recommendation 2B and 2C, and an argument against Recommendation 2A.
H	*Chapter 2* is especially good, but it does not relate to the recommendations.	It relates to Recommendation 1 rather than to Recommendation 2.
C	*Chapter 4* is the best underpinning for the proposed recommendations. Stress the finding that there is a large community of people who think citizen participation is very important. However, current federal requirements can be met without necessarily providing effective citizen participation.	These points are inherent in Recommendation 2B and 2C. They will be stressed in these options.
H	Citizen participation may raise expectations which cannot be delivered.	This point will be clarified and is covered in Recommendation 1.
C/H/A	Recommendations should address both (1) the effectiveness of citizen participation and (2) the goals of simplification and standardization.	These are consistent with the present draft, especially Recommendations 2B and 2C. A special point will be made of this concept.
H/A	Recommendation 1 is supported except for the limitations. A positive concept of what constitutes effective citizen participation should be added. The "cautions" are too negative and impossible to enforce.	The Commission will choose.
A	The key criteria for judging proposed improvements to citizen participation should be the degree to which they would open up decisionmaking processes to the advice and assistance of citizens.	This view will be noted in the report.
C/H/A	Provide greater detail for each recommendation. Spell out performance standards in options 2B and 2C. Performance standards may be used in individual programs as well as in groups of programs. Clarify the relationship between the "designated" citizen participation	These clarifications will be made.

Figure A-2 (cont.)

SUMMARY OF COMMENTS ON ACIR DRAFT CITIZEN PARTICIPATION REPORT WITH STAFF RESPONSES

(comments received as of February 9, 1979)

Source of Comment*	Comment	ACIR Response
	agency and the "grantmaking" agencies in administering citizen participation under 2B. OMB and the White House both may be inappropriate or unwilling as the "designated agency." No agency will volunteer to be designated.	
H/A	The "designated agency" in Recommendation 2B should be the White House Office of Consumer Affairs.	The President, of course, would be free to make that designation if he felt it to be the best option.
A	A separate "designated agency" for citizen participation in the federal government, as proposed in Recommendation 2B, would be a mistake. Citizen participation needs to be an *integral* part of each program's organizational structure.	ACIR agrees about the integral nature of citizen participation. Recommendation 2B would not disturb that. The "designated agency" would simply develop and monitor citizen participation guidelines to be administered by each program agency.
A	Citizen participation costs should be not simply *allowed*, as provided in Recommendation 2B, but should be considered an essential component of project costs.	If citizen participation itself is required, then *allowing* the use of federal funds for it is adequate. Such costs would automatically become project costs.
C	Recommendation 2 is untenable because there are four different types of federal citizen participation requirements, and one recommendation cannot apply to all four: + noncontroversial federal aid programs, + controversial federal aid programs, + direct federal activities, + federal regulatory activities. Recommendations should be keyed to each type.	Recommendation 2 will be limited to federal aid programs and will be flexible enough to apply to controversial and noncontroversial aid programs.
H	Recommendation 2A is unrealistic; 2C is status quo; 2B is best. Loopholes in 2B, allowing some programs to be exempt from the general citizen participation policies, should be eliminated.	The Commission will choose.
C/A	State citizen participation is almost exclusively a response to federal requirements (except for state "goals	While there is some truth in this, it is overstated. In any event, the Commission will choose.

	projects"). It is mostly functional; not broadly coordinative. Therefore, don't give states a big role in place of federal government. The same can be said of many local governments. Recommendation 2A should be rejected.	
C/H	A new recommendation option is needed using a "lead agency" rather than a "designated agency," and stressing technical coordination, cooperative research, and information exchange rather than regulatory responsibility. This would not necessarily require legislation. This recommendation could be chosen instead of others, or in addition to others.	An additional option will be prepared.
C/H/A	Intermediate options are needed between the draft recommendations; these should be developed in consultation with experienced citizen participation people.	The "lead agency" option (combined with an evaluation research coordination and demonstration function), and detailing the other options will do this.
C/H	Federal citizen participation recommendations should start with the *Administration Procedures Act*, and then build upon it for programs needing additional procedures—using the interest representation, clientele control and community consensus models. Social services programs, especially, need added emphasis on citizen participation.	This concept will be incorporated into the options under Recommendation 2.
H/A	Recommendation 2 is based on the assumption that simplification is good, without convincing documentation that simplification will be a benefit. The report does not show that federal citizen participation requirements have adverse effects on grant recipients.	The argumentation for Recommendation 2 will be strengthened.
C	Clarify "recipients" covered by federal aid recommentions to include nonprofit organizations as well as state and local governments.	This will be done.
H	Even though Recommendation 2 is labeled as relating only to federal aid programs, care should be taken to be certain that the recommendation language actually carries out that intent. Otherwise it will have a much broader effect.	This will be done.
H	Recommendation 2C is in the right direction (it differentiates), but should be guided by principles in 2B.	The Commission will choose.
A	An additional desirable option in Recommendation 2 would be to maintain the present diverse federal aid requirements for citizen participation.	This option will be offered.

Source of Comment*	Comment	ACIR Response
C/H/A	Much of the evaluation research on citizen participation is poor; demonstrations of how to do it and better coordination of evaluation funds are needed.	A recommendation on this will be developed.
A	The state of the art in evaluation research is better than indicated in the "issues" discussion (*Chapter* 6, pp. 26-30).	This point will be reconsidered in light of new evidence presented.
A	The effects of recommendations are not evaluated.	Available evaluations of citizen participation efforts are cited. Unfortunately they are not definitive. ACIR is not equipped to perform the in-depth, long-term evaluations which would be required to answer this criticism.
A	An important point in citizen participation is that the *availability* of citizen participation opportunities may be extremely influential even if rarely exercised.	This point will be made.
A	As size, complexity, and rate of change in society increases, a more passive citizen role is required if government is to be most viable.	This is recognized in *Chapter 2* as one view.
A	Local school boards are exemplary models of representative democracy closely in touch with the electorate and prone to soliciting information from all sectors through public hearings, debate, and organizational contacts with PTAs and civic associations. Proliferation of citizen councils and committees to meet state and federal requirements tends to overload the process and divert attention away from the education of students.	This argument will be noted. It supports Recommendation 2A and the certification procedures in Recommendation 2B.
A	The background chapters are not a sufficient basis for recommendations. While they present a variety of findings and viewpoints, they tend to exaggerate contention and slight opportunities for reconciliation. Thus, the options in Recommendation 2 are polar—drop all federal requirements, standardize requirements, or allow agencies to continue tinkering with regulations. Additional research questions and a 6-9 month process for answering them are suggested to seek out points of reconciliation.	The "critics" and comment processes already established, and the Commission's own deliberations are similar to the process suggested. Though not as elaborate, they have the same objective.
A	Daily contacts between constituents and their elected officials and bureaucracies is not an adequate substitute for formal citizen participation processes.	This view will be noted in the report.

Figure A-3

CHARACTERISTICS OF A THREE-PART APPROACH TO CITIZEN PARTICIPATION IN FEDERAL AID PROGRAMS

Interest Representation (applies to all federal aid programs, except those given a waiver by OMB)	**Clientele Involvement (additional requirements applied to designated human services and housing programs)**	**Community Consensus (additional requirements applied to designated planning and community, economic, and natural resource development program)**
Open Meetings Open Records Public Information Program Representative Advisory Committee (with public agency staff support, but without decision powers) hearings at Significant Decision Points (with public agency analysis and response) Citizen Right to Appeal Procedural Lapses Annual Report Stating and Evaluating the Participation Record	Clientele Committees (with specified decision powers, responsibilities, and public support) Use of Volunteers in Program Administration Employment of Clientele Complaint Service Training for Above Roles	Enhanced Public Information Program to Promote Broad-Scale Participation Direct Contacts with Community Groups and Interests to Get Them Involved (especially those not involved on their own) Technical Assistance to Participating Citizen Groups with Demonstrated Need Training of Citizens and Officials for Constructive Participation in This Process Surveys Workshops Conferences

now" types of actions might be more productive than the global recommendations developed by the staff. For example, independent funding and staffing for advisory committees might be considered. Awards for public officials who make outstanding contributions to citizen participation might be stepped up, along with workshops for officials at national and regional conferences, and training of citizens in the procedures of their own local jurisdictions. Personal staffs for local elected officials would help to increase the responsiveness of local government. The network of citizen participation officials in the federal government might be strengthened. Legislative oversight of citizen participation requirements might be strengthened. Private foundations should be encouraged to support improvements in citizen participation. A national dialogue on strategies for improving citizens' capacity for self-government might be established, possibly by giving some federal agency responsibility for issuing an annual report on citizen roles in government each year.

The Commission should consider major recommendations to the state and local levels, in addition to those aimed at the federal government. While Recommendation 1 already did this, it was felt to be too general.

ACIR also should include citizen participation as a major element of its general study of "The Future of Federalism," and should keep the citizen participation issue alive by incorporating consideration of it in each of its regular studies.

The Afternoon Meeting

The primary focus of the afternoon meeting was on citizen participation at the state and local levels, and how federal requirements affect it. There should be more in the report about these levels. Local governments have the most and the best citizen participation, with states in second place, and the federal government in last place. (Though, in the morning meeting, the sentiment appeared to be that the federal government does better than the states.) Many states are in the early stages of focusing up citizen participation in a broad way, apart from meeting federal aid requirements. About 30 states now have offices of volunteerism and/or citizen participation.

Federal requirements for citizen participation at the state and local levels are complex and confusing. They need to be clarified, rather than repealed. Without them, there would be much less activity than at present. State "sunshine" laws are just beginning to take hold, and are not adequate substitutes for current federal aid requirements for citizen participation. The "enemy" roles of federal, state, and local officials with respect to citizen participation requirements need to be transformed into cooperation, mutual support, and facilitation. It is important to get the word out to state and local officials that there are simple, easy, equitable, and cost/effective ways of doing citizen participation.

A central citizen participation office at the national level could help to promote and improve citizen participation, and to simplify related federal aid requirements. However, there was disagreement about the need for such an office to have authority with respect to this latter role. This office should not be under consumer affairs, some felt.

Agricultural extension agents are, and have been for many years, major resources for citizen participation in rural communities. The new concept of urban extension agents, now being experimented with, may have similar potential. These resources should not be overlooked.

Leaders from the citizen participation and volunteerism movements, who have gone into the Carter Administration, find themselves significantly constrained in achieving their goals by provisions of existing law and by lack of funds. The publication entitled *At Square One*, issued by the Federal Interagency Council on Citizen Participation, provides an extensive and detailed list of such constraints. Stronger citizen lobbies are needed to achieve desirable legislative changes, various participants stated.

New recommendation options for the Commission's consideration were discussed. These included:

1) the status quo with respect to federal aid requirements;
2) a nonauthoritative approach to simplifying and standardizing federal aid requirements;
3) a new national agency to facilitate the improved practice of citizen participation at all levels of government; and
4) specific recommendations to the state and local governments, and regional organizations.

These options were submitted to the Commission before it acted on the draft report.

Appendix B

Hearing on

Citizen Participation In The American Federal System

December 7, 1978
Washington, D.C.

Summary of the Statement Presented By

I. Toni Thomas

Special Assistant for Citizen Participation
Office of the Assistant Secretary For Community Planning and Development
U.S. Department of Housing and Urban Development

Ms. Thomas appeared in place of Msgr. Geno Baroni, assistant secretary for neighborhoods, voluntary associations, and consumer protection, U.S. Department of Housing and Urban Development. Ms. Thomas submitted no prepared statement. She commented that HUD needed more time to study the ACIR draft report. She promised a departmental response within two weeks, and requested that ACIR take no action on the report at its December meeting. (See statement submitted for the record by Patricia Roberts Harris, Secretary, U.S. Department of Housing and Urban Development.)

Statement Presented By

Lee L. Gary

Vice President
The Interagency Council on Citizen Participation

I am here as a representative of the federal Interagency Council on Citizen Participation (ICCP). I am Lee Gray, vice president of ICCP and I am pinch-hitting for the council's president, Belle O'Brien. Also representing ICCP here today is Tony Staed, a past president of the council. Both he and I will be glad to answer questions.

We were pleased to accept your invitation to appear today. We will use this time for three purposes:

1) to express our concern about ACIR's process for requesting review and comment on its staff's draft report;
2) to make specific recommendations about expanding this review-and-comment process;
3) to make a few tentative observations about the substance of the two recommendations in the draft report.

First, however, it will be useful to tell you what the council is.

As you may know, ICCP is *not* an official federal organization. It is a purely voluntary professional association. We have more than 200 members, most of whom are federal employees with a responsibility for, or an interest in, citizen participation programs or consumer involvement programs in their agencies.

Mr. Staed, for instance, deals with the public participation program in the Information Office at the Forest Service, in the Department of Agriculture. Ms. O'Brien is chief of the Consumer Assistance Office with the Federal Communications Commission. I am responsible for citizen participation in the Office of Consumer Affairs at the Department of Transportation.

In addition to federal members, ICCP also has a small number of associate members who represent citizens' organizations.

The broad purpose of ICCP is to help its members exchange information, techniques, and experiences that will enhance the effectiveness of citizen participation in government decision-making, and will increase decisionmakers' responsiveness to the people. In addition to providing services for our members—offering training sessions, for instance, and acting as a clearinghouse for information about federal CP activities—ICCP also offers technical assistance to other organizations. A few examples: The council worked with Tufts University's Lincoln-Filene Center for Citizenship Training to plan and co-sponsor a national conference on CP; it was held in Washington last September. The council also worked with the White House Office of Consumer Affairs; we helped Esther Peterson's staff set up a task force to identify options for strengthening consumer involvement in federal agency decisionmaking. The work of the task force is referred to in your staff's report.

Now, let me address our first purpose for being here: to express ICCP's concern about ACIR's process of review and comment on this report. Our concern about the process makes us feel ambivalent, at best, about the report. On the one hand, we were gratified that the Congress had directed ACIR to undertake this study. We believe that citizen participation programs throughout the federal government can, and should be improved. We welcome a careful examination of CP programs. We are impressed by the magnitude of the report drafted by ACIR's staff. We look forward to having the opportunity to study the wealth of data in the report and to carefully consider the staff's recommendations. But we have not had that opportunity as yet.

We received the report only about ten days ago. That allowed barely a week of study for our members who had been invited to attend the critics session that your staff held last Tuesday, December 5. We had even less time to consider the recommendations; these arrived separately, three working days before the critics session. And a significant section of the report—the issues section—arrived *after* the critics session took place.

You can understand our ambivalence. There was barely time for a few of our executive committee members to skim the surface of the text, in preparation for the critics session. At the session, we were asked to vouch for the accuracy of factual data we had not been able to scrutinize. We were asked to comment on questions, principles, issues that the staff had spent many months examining. This hardly allowed us to do justice to the staff's efforts in developing the draft.

At the critics session, ICCP members voiced their concern about the unrealistic time-frame for review and comment. This concern was echoed by virtually all other participants at the session.

Another serious objection was voiced at the critics session: Only one citizens' organization—the League of Women Voters—had been invited. We agreed wholeheartedly with the league's representative when she stressed that many other citizens' groups should have been included in that session.

For two significant reasons, then, we are gravely concerned about the process followed by ACIR's staff in seeking comments on this draft report: The review time was totally inadequate. And there was virtually no *citizen* participation.

This process has not reflected acceptable participatory practice. Nor does it reflect ACIR's own stated principles. Let me quote from ACIR's own statement, which appears on a Commission publication: "After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. . . ."

That is a commendable statement. And we would like to see it become a reality in this comment process. Here, then, I come to our second purpose for being present today. ICCP's executive committee respectfully submits seven recommendations to the Commission:

FIRST: That the Commission not vote on this draft report at this meeting.

SECOND: That the Commission postpone its vote on this draft report for at least three months.

THIRD: That the Commission direct ACIR staff to distribute the draft report to the broadest possible cross-section of citizens' groups, allowing them at least two months to review and comment on the draft.

FOURTH: That the Commission direct staff to make its draft report available to all interested federal agencies for their review and comments.

FIFTH: That the Commission direct staff to prepare an analysis of all comments received.

SIXTH: That the analysis of comments be submitted to Commission members well in advance of the meeting at which the draft report will be discussed and voted on.

SEVENTH: That the Commission publish the analysis of comments.

Given *that* revised process, the Commission will have the benefit of truly representative comment. Given that process, ICCP's executive committee pledges that it will mobilize the expertise of its 200 members to review and comment on this draft report. We will offer a meaningful response to the data and we will—even more important—present additional creative alternatives to the recommendations.

This brings us to the third purpose of our statement: to make a few observations about the substance of the two recommendations in the draft report.

We regret that at this point we can do no more than *react*—and superficially, at that—to the staff recommendations. But we do feel an obligation to share these three points with the Commission:

POINT NUMBER ONE. In our experience with citizen participation, a critical issue is: How many alternatives have been formulated? We are concerned about the paucity of alternatives presented in Recommendation 2. Many more options exist, we believe, for federal action on citizen participation programs; and we consider it crucial for the Commission to have the benefit of examining as many alternatives as possible. Meaningful participation can yield a full spectrum of options, as opposed to the handful of take-it-or-leave-it alternatives given in Recommendation 2.

POINT NUMBER TWO. Again, an overall comment on Recommendation 2: Although the recommendation is titled "Citizen Participation in Federal Aid Programs," the ultimate action may well have an impact on *all* citizen participation programs. In redrafting this recommendation, care should be taken to clarify the intent of the recommendation—and to be certain that the various alternatives do, in fact, reflect that precise intent.

POINT NUMBER THREE. In Recommendation 2, Alternative B provides that the President designate an Executive Branch agency to ensure consistent administration of an omnibus "Citizen Participation Act." ICCP's executive committee urges that this oversight responsibility be given to the White House Office of the President's Special Assistant for Consumer Affairs.

ICCP's executive committee has discussed this concept with Esther Peterson, the President's Special Assistant for Consumer Affairs. She has asked ICCP to indicate that she would be interested in discussing with the Commission the varied possibilities for oversight and coordination of citizen participation requirements. Citizen participation is an issue of concern to Mrs. Peterson, since it is so closely allied with the need for consumers to be involved in federal agencies' decisionmaking.

Since the White House Consumer Office has been surveying consumer involvement and citizen participation—as is indicated in *Chapter* 4 of ACIR's draft report—Mrs. Peterson believes it would be useful to share her staff's perceptions with the Commission. She has requested, therefore, that her staff receive a copy of the draft report and be afforded an opportunity to comment.

On behalf of ICCP, I thank you for inviting us to 343
submit this statement.

Statement
Presented By

Richard Ives

Assistant Director
Division of Budget and Planning
State of Missouri
Member
Council of State Planning Agencies

INTRODUCTION

I would like to thank the Commission for inviting me to testify about the draft volume on citizen participation. Today I am speaking on behalf of the Missouri Division of Budget and Planning and the Council of State Planning Agencies. We commend the ACIR for undertaking a major analysis of this important, timely, and confusing subject of citizen participation.

As the assistant director for planning, Division of Budget and Planning, Office of Administration, State of Missouri, I am aware of the multitude of citizen participation requirements in federal grant programs. The Division of Budget and Planning serves as staff to the Governor of Missouri in the areas of policy planning, budgeting and tries to make sense out of the wide array of conflicting federal requirements for citizen participation. In addition, The Council of State Planning Agencies an affiliate of the National Governors' Association of which I am a member, has been concerned about the role of citizen participation within state and local government. During the last three years, the Council of State Planning Agencies and the National Governors' Association have sponsored three studies on citizen participation: *Techniques of Public Involvement, Growth and Investment: New Roles for Citizens,* and *A State Perspective on Public Involvement Programs.* At this time, I would like to submit these reports to the Commission for your review.

I would like to divide my remarks into three parts. In reviewing the report, the first part will be general comments about the study as a whole; the second will be specific comments on each chapter; and the third, recommendations.

OVERVIEW

A major concern about the report is that it lacks a central focus. Specifically, the report has a large amount of background material on the historical development of democratic theory and practice within the United States. The report should focus more specifically on the details of citizen participation requirements within the federal grant system and the details of reform.

Second, the report documents a fundamental paradox in the federal electoral system. In theory, representative government means that franchised citizens elect officials at the local, state, and federal levels to make policy decisions about the allocations of public resources. However, the mandating of citizen participation requirements by the federal government implies that representative government is suspect, particularly at the local and state levels. Approximately 120 federal citizen participation requirements duplicate each other, duplicate state and local practice, and often do not offer any role for the citizen in real decisionmaking. In short, federal requirements can build up expectations which can not be delivered.

Third, the document is too long, local and state officials will not have time to read it. An executive summary should be produced in a separate brief volume.

SPECIFIC COMMENTS

Chapter 1—Introduction needs to be revised to focus on the need for reform of citizen participation requirements contained in federal grant programs. *Chapter 2—American Traditions of Citizen Participation* omitted the roles and importance of interest groups and political polling as vehicles for participation in government. *Chapter 3—An Overview of Contemporary Citizen Participation in the U.S.* did not discuss the need for creating a method for involving citizens on national issues which transcend local, state, and regional boundaries. Examples of issues which could be addressed are foreign trade, productivity in industry, balanced growth, America's future in science and technology, and the future of public education.

Chapter 4—Citizen Participation at the Federal Level omitted reference to federal land management agencies such as the Forest Service, Army Corps of Engineers, and the Department of Defense. We are also concerned that Congressional casework was not discussed.

Chapter 5—Citizen Participation in State and Local Governments needs to include a discussion of state "Administrative Procedure Acts." For example, Missouri has now established a formal procedure which allows review and comment on proposed state regulations. In addition, approximately 21 states have environmental review systems which are separate from the federal government.

RECOMMENDATIONS

ACIR should probably spend additional time developing more detailed recommendations. We feel a little uncomfortable with choosing among recommendations which are quite far reaching without more time to discuss the issues and receive guidance from the Governors.

Among the three recommendations, 2A is probably not feasible. We doubt, even in the long term or in an inflation-fighting year, that Congress will smile on the elimination of all federal requirements. 2C is the status quo with few changes.

Of the three recommendations, number 2B may be a realistic compromise. In supporting this recommendation, I want to stress four important dimensions.

1. Local and state officials need to be involved in the development of performance standards which may evolve.
2. Federal citizen participation requirements should compliment those already in existence in state and local government.
3. Citizen participation requirements in federal grant programs should contain options. What will work in New York City may not work in St. Louis. What will work in St. Louis may not work in Boise, ID.
4. If the real target population of citizen participation is the disadvantaged, funds need to be provided to pay for their travel expenses, wages lost while participating on advisory groups, and other expenses incurred in advisory roles such as telephone calls. Finally, please note the report entitled, *A State Perspective on Public Involvement Program*. This report prepared by the staff of the National Governors' Association's Committee on Human Resources provides examples of optional forms of citizen participation which could be used in a variety of federal programs.

CONCLUSION

We see the necessity for a national policy on citizen participation. In order to accomplish that objective, two actions are needed. First, the study should be focused more sharply on the federal aid system and related requirements and second, should involve state and local officials in the formulation of the national policy.

Thank you, Mr. Chairman. I would be pleased to answer any questions which you have.

Statement
Presented By
Roger Honberger for

Clifford W. Graves

Chief Administrative Officer
County of San Diego

Thank you for this opportunity to comment on the ACIR draft report, *Citizen Participation in the American Federal System*. Having wrestled with this issue as both a federal and a local governmental official, I commend the Commission for taking on such a complex and sensitive task.

My comments are in three parts:

1) observations on the report,
2) the draft recommendations, and
3) other suggestions.

I. *OBSERVATIONS*. The report traces the evolution of the concept, illustrates the complexity of the issue, and points out the difficulty in achieving significant changes to current federal policies. It does all of these well. The federal program case studies are very illuminating, as is the discussion of our theoretical dilemma of moving beyond the American tradition of an electoral democracy.

My principal criticism of the project is its limited perspective. Except for the historical discussion in *Chapter 2*, citizen participation is treated as a problem for governmental officials, particularly federal ones. The report sheds little light on the perspective of citizens wishing to petition government. Both perspectives are legitimate, and should be considered when policy changes are developed.

This difference may seem subtle, but I believe that the limitations in the draft recommendations are traceable to the governmental orientation of the research. I recommend that the final report include more emphasis on the citizen perspective.

I was pleased to see the report's treatment of the theoretical dilemma of citizen participation. It notes that if the provisions of the Constitution and Bill of Rights were working on behalf of all citizens, there would be no need for special governmental efforts to promote the participation of citizens in the governmental decisionmaking process. The purpose of these extraordinary mechanisms is to supplement the basic political process, not to replace it. That concept is becoming more widely understood.

However, your Commission has often noted that the framers of the Constitution and Bill of Rights probably didn't envision the intergovernmental nature of most public sector programs. This intergovernmental dimension certainly compounds the communication problem between citizens and governments. I might note that while the report describes federal programs well, the intergovernmental problem is equally troubling on such local issues as land use, transportation, and public safety.

In describing the experiences of such early special citizen participation efforts as the Community Action and the Model Cities programs, the report notes mixed results. On the one hand, these programs introduced many persons and organizations who were all but disfranchised to governmental processes and guaranteed them access. The report correctly notes that many minority elected officials and others representing lower income areas got their start through just such programs.

The negative side of those programs however, was their diversionary effect. For many years, they diverted the attention of low income and minority groups—which your report points out are the primary targets of extraordinary efforts—towards a limited number of special activities and away from the broader arena of local 346 decisionmaking. Typically, the largest Model Cities or Community Action program was but a tiny fraction of the total budget of the local government or jurisdiction. Yet, by setting up special organizations and special mechanisms guaranteeing participation only in those programs, these local jurisdictions were able to continue to allocate the lion's share of resources available free from the direct participation of a substantial part of its citizenry. Thanks largely to the experiences of the 1960s, neither local governments nor citizens will ever tolerate that again. These same experiences led to the criticism of the 140+ separate sets of citizen participation requirements now attached to federal programs.

II. *DRAFT RECOMMENDATIONS. Chapter 6* contains options for two major recommendations. The Recommendation 1 options address the matter of an umbrella general policy on citizen participation. The Recommendation 2 options identify approaches to federal policy reform.

Recommendation 1. I support lines one through four, but urge you to reject the remainder. There is no question that the draft policy statement in lines one through four, while general, is a necessary reference point, for the specific actions that must follow. The key provision is that government has responsibility to provide opportunity for effective citizen participation in their programs *beyond* the elective political process. It also goes beyond the assertion to describe the characteristics of that obligation.

The language in the remaining lines and the discussion is naive in that it implies that citizen participation can (or should) be limited to the provisions in the "manual" described there. Citizens who wish to make their feelings known should be encouraged to do so and be provided authority, responsibility, and so on; but to expect citizens to hew to regulations defining the types of situations which they are empowered to share in decisionmaking, and categories of citizens who are required to participate, and so on, is to completely ignore the realities of local (and I might add, federal) political processes. People, places, and times often overrule politicians. I need only cite California's Proposition 13 as a striking example of this. If this approach were followed, you would hurt the persons who comply and aid the more sophisticated.

Recommendation 2. I support option B, which is the most difficult of the three but affords the best opportunity for resolving the problems identified in the draft report.

Option A ignores natural political dynamics. While not stated explicitly, this option would appear to put the federal government back to where it was 30 years ago. You can't go back.

If some citizen participation requirements are abolished, retaining the requirement for "specific groups" is asking for trouble at the local and federal level. It pits one group against another. Unfortunately, far too many of the "specific" boards are the worst offenders of representative citizen participation. I certainly agree that citizen participation requirements are duplicative and tough to implement, but simply eliminating them all is not the solution.

Option B is on the right track. I would eliminate on page 17 the language beginning on line 13 following the word "programs." I believe I understand what staff is trying to get at, but again it simply creates a loophole which would lead to the accumulation of the same requirements that the rest of the recommendations seek to remove.

Option C is unacceptable. This is the approach that led to the situation described in *Chapters 4 and 5*. The report stresses the need for fundamental change in the federal approach; this won't occur incrementally.

III. *SUGGESTIONS*. In my experience, I've found that locally initiated programs normally provide better access to decisionmakers than federally regulated ones do. This is because the access is a natural one, based on the political sensitivity of local officials (which in my opinion is higher than most federal regulation-writers seem to think), coalitions of interest, and similar factors that no federal requirement can accommodate. In San Diego County, for example, I've noticed that elected officials generally go beyond federal or state citizen participation mandates. We're not unique in this regard.

I've also found that citizens (as distinguished from sophisticated special interest groups) tend to take a more comprehensive view of their interests than federal requirements permit. The local governmental response to this is to combine and decentralize public hearings, needs assessments, and advisory committees and other citizen participation devices. Their principal obstacle is federal categorical requirements and timetables.

Therefore, I suggest the ACIR, following up on this report, develop model principles to implement its recommendations that will:

- —provide uniform citizen participation guidelines for all federal programs (as the draft report recommends) requiring identical time lines to eliminate the costly and confusing multiplicity of community meetings, needs assessments, and special committees;
- —recognize the existence of local citizen participation programs and provide flexibility in federal requirements to allow for the consolidation of federal, state, and local citizen participation programs for consistency, cost effectiveness, and credibility;
- —include technical assistance to communities for the development of effective participation programs, based on local successes around the country and federally contract with firms employing qualified staff to perform these evaluations; and
- —seek continuing advice from locally based citizen organizations as well as local officials in refining federal citizen participation policies.

In my opinion, citizen participation is simply an extension of political processes in form and content, and the effectiveness of citizen participation in any local, regional, state, or even federal activity will be the result of political processes. No federal requirements, no matter how specific, will substitute for political sophistication on the part of interested citizens.

Statement
Presented By

Howard W. Hallman

President
Civic Action Institute
(Formerly Known as Center for Governmental Studies)

I am a long-time admirer of the Advisory Commission on Intergovernmental Relations and have often used your reports as excellent reference sources. Several times I have participated in critics' sessions of draft reports, but this is my first opportunity to appear before the Commission itself. In spite of my admiration for your work as a whole, I came as a dissenter to the draft report on "Citizen Participation in the American Federal System," which you are now considering.

The draft recommendations found in *Chapter 6* contain the central elements of your conclusions. The key issues come forward in the three alternatives of Recommendation 2, and each option is derived from a premise that sevenscore requirements for citizen participation in federal programs are troublesome. Among the optional reasons offered are these phrases: "largely undefined in purpose," "largely duplicative of state requirements," "artificially imposed," "diverse, complex, confusing, arbitrary," "a heavy and sometimes confusing burden on state and local officials."

These are the premises, but the five previous chapters don't contain the detailed evidence to support these conclusions. *Chapter 1* lays out some issues to consider. *Chapter 2* is an excellent academic treatise on different theories of citizen participation. *Chapter 3* reviews the literature on contemporary practices and comes to mostly favorable conclusions about the positive effects. *Chapter 4* deals with citizen participation in the administration of federal programs, and although the findings are diverse, the overwhelming evidence indicates that citizen participation is a good idea which has never been fully applied. *Chapter 5* describes contemporary practices of state and local government, but it doesn't really say whether these practices could adequately substitute for federal requirements. In sum, the five chapters are an excellent textbook on citizen participation, but they do *not* provide the factual basis for any of your recommendations.

This leads me to conclude that your draft recommendations derive from an a priori commitment of ACIR to work for greater order and more simplification in the federal system. That's an admirable objective, but when applied to federal citizen participation requirements, your case is charted by these a priori values rather than the kind of factual study on which ACIR usually bases its recommendations.

Because you haven't mustered the evidence, the recommendations are full of the rhetoric of the
348 1960s debate on citizen participation, but this doesn't reflect the realities of the late 1970s. In the '60s some, though not the majority, of citizen participation efforts pursued a confrontation strategy, complete with absolute demands for citizen control. In response, some local officials countered with a claim that their elective status made them the true representative of the people and that other forms of citizen participation were not necessary. Even so, neither of these extremes represent the dominant trend of the '60s and a rich variety of participatory practices evolved.

Today we rarely hear a demand for community control. Although I have written a book advocating neighborhood government, I find that most neighborhood groups don't want to take over basic municipal service operations. They don't care who collects the garbage or repairs potholes as long as these tasks are accomplished adequately. Nevertheless, they don't want to have outsiders determine their fate without themselves having a voice in the decisions. They want to be part of things, maybe run a few programs, but most neighborhood activists today favor a cooperative, solution-oriented mode rather than confrontation. This is the attitude which federal citizen participation practices should build on in the late '70s and into the 1980s. It is the reality upon which your recommendations should be based.

Unfortunately they aren't. Certainly Alternative A of Recommendation 2 isn't, for it advocates "abolition of most federal aid requirements for citizen participation." When I first read it, I thought it was a "straw-person," inserted to draw criticism and make the other choices seem more pallatable by contrast. But when I discovered that you were developing your own recommendations without the participation of any citizens directly involved in federal aid programs, I realized that you might be serious. Yet, the substantive chapters of your report clearly show that the advantages of federal citizen participation requirements far outweigh disadvantages. So I urge you to abandon this alternative and to set a better example by deferring this entire report until you can have far greater citizen participation in its consideration.

Alternative B calls for enactment of "legislation establishing general citizen participation policies for advisory processes to be applied consistently throughout the federal aid system." It also recommends that the President "designate a single Executive Branch agency to insure the consistent application and evaluation of these policies in the administration of federal assistance programs." This appeals to a desire for neatness and order, attributes which I can appreciate from my public administration background. Yet, this approach is flawed because federal aid programs are quite dissimilar in their operational modes and therefore in how they might achieve citizen participation. For instance, contrast parental involvement in Head Start preschool activities with drawing in highly diverse interests into policymaking for areawide water resources management. To paraphrase Thomas Jefferson's observation about censorship, if we must all wear the same shoe, by whose foot will the last be measured? If we followed your Alternative B, the Office of Management and Budget (OMB) would probably be designated as the Executive Branch agency to set citizen participation policies and it would prescribe quite constricted standards. In our metaphor, size 7AA for men and 3AAA for women. This is simply too tight a fit for pluralistic America.

To me Alternative C makes far more sense: "variegated simplification of federal aid requirements of citizen participation." This alternative recognizes that there are problems stemming from the proliferation of requirements and that improvements can occur through a flexible approach, dealing with clusters of programs "according to their similarities in such matters as program objectives, public affected, desired degree of citizen involvement in decisionmaking, and participation mechanism and techniques." This flexibility should be guided by a set of principles, such as your draft presents in the textual discussion of Alternative B (pages 24-25): openness, continuity through all stages, well advertised, advance and accessible information, technical assistance for citizens (especially those without many resources of their own), economic assistance where necessary, and training for participants not familiar with procedures and techniques to be used. To these I would add encouragement of general purpose organizations, such as neighborhood councils, which deal with a number of programs rather than reliance solely upon single-purpose citizen units.

This approach acknowledges that the consent of the governed from whence the just powers of government derive is a continuous process, not merely elections once or twice a year. It recognizes that varied methods are needed for different programs. And it has the flexibility which is the hallmark of American federalism.

Statement
Presented By

Nelson Rosenbaum

Senior Research Associate
The Urban Institute

My name is Nelson Rosenbaum, I am a political scientist and senior research associate at the Urban Institute. The Urban Institute is a private nonprofit research organization established in 1968 to study the problems of the nation's communities. Independent and nonpartisan, the institute responds to current needs for disinterested analysis and basic information on major policy issues. Over the past four years, the institute has sponsored a major research program on citizen participation in administrative decisionmaking, which I have directed. My testimony today is based on the findings and conclusions of that research effort. I should point out that the conclusions and interpretations are my own and should not be attributed to the Urban Institute or its Board of Trustees.

GENERAL POLICY ON CITIZEN PARTICIPATION

Given the current state of confusion and controversy over citizen participation requirements, it is preferable that the Commission enunciate no general policy on citizen participation if that policy statement cannot be clear and simple. The language of proposed Recommendation 1 does not meet this test.

The first five chapters of the draft report document the proposition that citizen participation in administrative decisionmaking is a natural and essential aspect of democratic practice in the United States. Elected representatives enjoy neither the information nor the time to "fine tune" the administrative process so as to insure that governmental services and functions are executed responsively and sensitively. One essential purpose of citizen participation, then, is to supplement the normal elective channels of politics in guiding administrative decisions toward greater responsiveness to citizen needs and priorities. Such responsiveness is, after all, the underlying principle of our democratic system. Beyond this pragmatic objective, citizen participation is also an end unto itself in that it provides citizens with an opportunity to develop a "civic conscience" and a greater sense of control over their own destinies. These "educative" functions of citizen participation have often been forgotten or ignored in the days of "hardheaded" concern about program simplification and regulatory reform. However, a democracy is no stronger and no more stable than the community concern and the commitment to democratic values manifested by its citizens. Civic responsibility and commitment to democracy are not learned in a classroom, but rather in the give and take of conflict and debate over important policy issues. With the decline in allegiance to the major political parties and the drop in the percentage of Americans taking an active part in elections, citizen participation in administrative decisionmaking has become all the more important as a major socialization arena. Some studies cited in the draft report cast doubt upon the efficacy of participation in administrative decisionmaking in reducing "alienation" and building citizen "trust" in government. As an active researcher in this area who is intimately familiar with the cited studies, I would urge caution upon the Commission in utilizing and interpreting these findings. First, one should not confuse measurement of attitudes toward a particular administration or policy with assessment of democratic values and norms. Unfortunately, most of the cited studies assess the former rather than the latter. Second, there are severe methodological problems with many of the studies, including faulty sampling techniques and lack of time-series analysis. In any case, I suggest that civic education be viewed as a primary, positive objective of citizen participation, not as a potential secondary benefit. If better research demonstrates that existing citizen participation programs have not fulfilled the educative function, then we need to find out why and improve the programs accordingly.

In sum, it is not sufficient to advocate "that governments at all levels provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in governmental programs." The language of proposed Recommendation 1 should be supplemented and revised to reflect a substantive 350 conception of what constitutes "effective" citizen participation. I have suggested that effective citizen participation be defined in terms of two essential objectives: (a) producing governmental decisions and policies that are directly responsive to the needs and priorities of affected citizens, and (b) generating confidence in, and commitment to, the procedures and values under which our democratic system operates.

A CITIZEN PARTICIPATION ACT

Alternatives A, B, and C under Recommendation 2, as currently formulated, are *not* mutually exclusive and fail to reflect an adequate conceptual approach to sorting out the need for standardization versus the need for diversity.

In my view, there are three relatively distinct approaches to citizen participation found in the federal assistance system and in federal decisionmaking itself. The first approach may be termed the *interest representation* model. The interest representation approach reflects the view that participation in administrative decisionmaking is likely to involve organized interest groupings in conflict over relatively narrow and distinct controversies. The interest representation model is the most common approach to citizen involvement in administrative decisionmaking and the most "normal" from the perspective of interest group domination in American politics. The essential challenge of citizen participation is to establish some basic rules of access, fairness, and efficiency in providing information, ascertaining citizen views, and evaluating the competing interests so that an effective framework can be established for mediating and resolving the policy conflict. This in fact is precisely the objective of the federal *Administrative Procedures Act, Freedom of Information Act, Government in the Sunshine Act*, and federal *Advisory Committee Act* which collectively establish a minimum or "default" framework for citizen participation in federal administrative decisionmaking. As demonstrated by the federal precedent, the interest representation approach is susceptible to standardization because it revolves largely around passive procedural information and participation rights that can be clearly specified by statute. *Perhaps the single most important problem with citizen participation in the federal assistance system is a lack of a standardized interest representation model which can be uniformly applied across programs.*

The other two approaches to citizen participation build upon the interest representation model as the basic procedural framework, but modify and expand it in a significant way.

Most social service and community development programs in the federal assistance system utilize what I have called the *clientele control* approach. The clientele control model is distinguished by designation of a particular constituency or clientele group which is vested with some direct form of authority over program operation. This "power sharing" is justified by the comparative magnitude of the impacts felt by the designated group vis-a-vis other affected constituencies. The clientele control model is less subject to standardization than the interest representation approach because the crucial issue is not procedure per se, but rather the effective degree of control granted to a particular interest grouping. Nevertheless, based upon the extensive experience with clientele control during the 1960s, there is a valuable body of available knowledge regarding the most effective means of organizing affected constituencies, utilizing different mechanism of power sharing, and so on. This information could be codified to stimulate some standardization and uniformity in current federal assistance programs that are based on the clientele control model.

The third model of citizen participation found in the federal assistance system may be called the *community consensus* approach. Exemplified by statutory language that calls for "widespread and extensive" citizen participation, as in the federal *Water Pollution Control Act Amendments of 1972*, the community consensus approach attempts to penetrate beyond the organized interest groups to seek the views and interests or unorganized and unrepresented elements of an affected community. Through such positive "outreach" to the entire community, a closer approximation of the overall "public interest" can be formulated as a guide to decisionmaking. In essence, the community consensus model adds another layer of interests to those consulted and evaluated through the interest representation approach.

The community consensus approach, most commonly found in planning and natural resource programs because of their broad scope and diverse communitywide impacts, is *least* susceptible to standardization across the elements of the federal assistance system. This is because: (1) seeking a broad community consensus inevitably involves numerous discretionary decisions about which unorganized interests should be organized, which viewpoints should be given weight as major alternatives, and so on: (2) there is relatively little experience with community consensus techniques on which to base standardization; (3) under some circumstances, it appears infeasible to identify or generate a community consensus upon a single policy option, thus thrusting citizen participation into one of the other two modes.

To sum up this discussion with regard to the alternatives posed under Recommendation 2, my conclusions are the following:

1. I strongly endorse the recommendation for a federal "Intergovernmental Citizen Participation Act," which would establish general procedures and policies for interest representation in federal grant-in-aid programs. The act should specify minimum requirements in at least three areas: (a) citizen access to information, (b) opportunities for formal citizen participation, (c) administrative accountability to citizens. The proposed act would build upon the federal precedents of the APA, FOIA, and related procedural statutes. States and localities that already meet or exceed the minimum standards of the act through their own sunshine laws, "Administrative Procedures Acts," and so on, need do nothing more to comply with federal requirements for interest representation in the grant-in-aid system. This would eliminate much of the discontent over arbitrary and inconsistent procedural standards for public hearings, advisory committees, and other interest representation processes included in specific authorizing statutes. As in Recommendation 2A, all specific statutory language on interest representation processes would be repealed once the new act was in place.
2. As emphasized in Alternative C, the Commission should recognize that there are other approaches to citizen participation than the interest representation model. The clientele control and community consensus approaches should be standardized by category of program to the greatest extent possible, but it will never be feasible to establish uniform procedures. Rather, the most useful approach to standardization is perhaps to suggest alternative "packages" of techniques that have proven more or less useful under different circumstances. States and localities could then select an appropriate "package" with federal approval.

OVERSIGHT, EVALUATION AND ENFORCEMENT

My final point is that responsibility for oversight, evaluation, and enforcement of citizen participation requirements should remain with the individual program agencies rather than a single Executive Branch agency, as recommended in Alternatives 2B and 2C. Standardization does not necessarily imply centralization. As indicated by the federal experience with the APA and other procedural statutes, general requirements can be enforced by responsible agency officials (general counsels), by the courts, and by a federal advisory and research agency (the Administrative Conference of the United States). While utilization of such an eclectic mix of implementation methods may not have the dramatic appeal of establishing a single citizen participation "czar," it does have the advantage of avoiding the costly "start-up" and "familiarization" processes associated with a new agency and the danger of a single dogmatic interpretation of what constitutes appropriate citizen participation.

On the other hand, I think a strong case can be made for a central advisory and study staff that would develop the standardized "packages" from which agencies could choose, would develop better evaluation methodology for citizen participation programs, would issue interpretive recommendations on points of dispute, and so on. OMB or ACIR itself might admirably execute this function.

In brief summary, the Commission should not tamper too dramatically with the present assignment of oversight, evaluation, and enforcement responsibility. Authority can be left as is for the first few years of implementation of a new "Citizen Participation Act" without great danger. Centralization can always be considered at a later point if the failure of the program agencies should warrant it. Congress should, however, 352 designate a single federal agency as the lead research and advisory staff in the implementation effort. As in the relationship between the federal *Administrative Procedures Act* and the Administrative Conference of the United States, this lead agency would furnish the background data and backup information necessary for successful operation of the overall standardization effort.

Statement Submitted for the Record By

Dr. Graciela Olivarez

Director

Community Services Administration

I appreciate the opportunity to present my views to the Advisory Commission as it studies the matter of citizen participation in federal, state, and local governmental policy, program and fiscal decisionmaking. The Commission and its staff is to be commended for the thoroughness with which it is conducting this study.

I applaud and wholeheartedly support current efforts to streamline and simplify the business of government. Simplification in such areas as grant application and reporting requirements, elimination of duplicative requests for information, and increased use of the joint funding mechanism will benefit all citizens.

I want to urge the strongest possible consideration of the likely effect that restructuring of requirements for citizen involvement will have in the administration of federal grant-in-aid social service programs. As your draft report points out, "Opportunities for citizen input are the rational and necessary components of remaining faithful to the tenets of the Declaration of Independence, while adapting to the exigencies of an evolving mass, heterogenous, urbanized, service-oriented, and bureaucratized society and system." And, I agree with you that "the objectives of citizen participation outside the electoral process and the way it works in practice are in many respects essential to the effective conduct of a representative democracy."

Citizen input *does* support and complement the constitutional role of elected officials. Citizen participation, however, *has made a demonstrable difference* in the lives of poor and disadvantaged in America, and this is recent.

Your report describes those legislatively mandated requirements which provide basic, though limited, access to the decisionmaking process, such as the *Administrative Procedures Act*, the *Sunshine Act*, and the federal *Advisory Committee Act*. These laws have served this nation well in many areas.

However, these are broadly applicable requirements, and are not providing a sufficient degree of access to the decisionmaking process in the social service or human resource program areas. It is in this area of citizen involvement that I, as director of the federal antipoverty agency, urge very special consideration be given to stronger citizen participation requirements in your deliberations. Existing requirements for citizen involvement in the planning and administration of programs specifically intended to serve the poor, such as those funded by CSA, HUD, DOL, and HEW, were established for positive reasons. These requirements redressed social inequities formed out of racial and socio-economic discrimination. They provide for strengthening of relationships between poor and disadvantaged citizens and their government, create meaningful opportunities for these citizens to influence decisions which *directly affect their lives* and make it possible for government programs to be planned and operated in a manner which begins to meet the needs of intended beneficiaries.

Broadly applicable requirements, or a set of uniform requirements, may not meet this need. For example, a public hearing and provision of information may be all that is necessary in planning for the extension of an airport runway. But such requirements will not allow for the input and involvement needed in social services programs. An antiprogram which does not provide for a means by which the poor can work toward the solution of their own problems will not meet its legislated goal of developing self-sufficiency.

While I am fully aware of the difficulties and cost of implementing such requirements (most of which would be minimized with more experience in this area) I would disagree with those who feel citizen participation has failed. Experience with community programming during the past 15 years has shown us that citizen participation has not failed. For example, requirements in title XX of the *Social Security Act* have made it possible for the poor to impact in decisions made concerning a wide range of social services provided under this act. Public Health service legislation requires the involvement of consumers (the majority of whom are poor) in the planning of health service programs. This has resulted in programs being designed to more nearly meet the needs of individual communities. Involvement of the elderly at the project, regional, and state levels, required by statute, has resulted in improved services to the aging poor of our nation. The opportunity to affect decisions on the expenditure of General Revenue Sharing monies has resulted in greater attention and expenditure of funds for human needs—rather than excessive amounts of money being expended on frills.

In addition, citizen participation has reduced alienation by bringing about a closer identification on the part of affected citizens with their own government. Also, experience in working on community projects, serving on governing and advisory boards, and being brought into a working relationship with elected officials and their staff has provided valuable training in citizenship and self-government.

I would, therefore, hope that the commission does not decide to recommend that requirements for citizen participation be repealed.

Should your decision be to recommend the establishment of a standardized citizen participation process to be applied throughout the federal aid system, I think it is critical that consideration be given to those social service programs providing benefits to low income persons. These programs have "clearly enunciated—and primarily power sharing—goals uniquely tied to the nature of social service programs."

I am mindful that ours is a complex and fragmented society, that the demands upon elected officials at all levels is great. However, the task of making democracy work for the benefit of all cannot be expected to be an easy one.

Again, I thank the commission for allowing me to present my views on this matter.

Statement
Presented By

Harriet Hentges

Executive Director
League of Women Voters of the United States

I am Harriet Hentges, executive director of the League of Women Voters of the United States. On behalf of the league, I thank you for the opportunity to appear before the Commission today. League members have used ACIR publications in their studies of intergovernmental relations and rely on them for their accuracy and fairness. The following is a statement that Ruth Robbins, first vice-president and acting president of the League, has asked me to read to you this morning.

To the Members of the Advisory Commission on Intergovernmental Relations:

Citizen participation has been the hallmark of league activities since our organization was founded in 1920. Today, leagues are involved in a wide variety of federal, state, and locally mandated citizen participation functions in such diverse areas as energy, environmental quality, and human resources. It is from 58 years of accumulated citizen participation experience that I make this statement today.

The league urges the Commission to expand the opportunities for public comment and testimony on the draft report on citizen participation *before* it makes a determination as to the specific legislative recommendations to be included in the report. Today's hearing should be a first step in a larger process whereby a representative sample of people who have served as citizen participants under federal requirements can review the draft and provide their suggestions and comments to the Commission. We would like to register the league's concern that the process that is being used to review this draft will not provide an opportunity for the perspective of these groups to be fully aired. At the critics session, held Tuesday, December 5, those present were either citizen participation professionals or government officials who work in the area. Although the league appreciates the expertise that these individuals can bring to the report, they cannot always provide the Commission with the first hand views of members of citizen advisory boards, members of planning committees, people who have testified in public hearings, or others who have represented their own and community interests before federal, state, and local governments. Nor can we be sure that the experts fully 354 reflect the opinions of a broad spectrum of public interest organizations. Without this perspective the Commission cannot make credible recommendations to Congress.

Providing the opportunities for citizen participants to present their views need not be a costly procedure. League members have considerable experience in reviewing and commenting on a wide range of subjects—from government regulations on water quality to housing. Very often these reviews are conducted by mail, with respondents returning their written comments by a given deadline. We are certain that the Commission can find citizen participants who will gladly cooperate in the effort of broadening the base of opinion impacting on the final report.

We also ask that the Commission provide sufficient time—we suggest 60 days—for representatives of citizen participants to review the ACIR draft report and prepare comments. Characteristically, citizen participants are volunteers, whose other duties preclude full-time attention to the review of government draft reports. It takes citizens groups a number of days to place the draft in the hands of people who are most qualified to review it. Then too, most citizen participants often need time to insure that their comments reflect the consensus of their group.

Finally, the league would like to request that the Commission accept our written comments on the draft report in a minimum of 30, but preferably 60 days. A full draft of the report was not made available to us until December 6. In view of the length of the draft and the implications of the alternative recommendations, we could not adequately prepare comment on the content of the report for today's hearing.

In closing, we do hope that you will find some way to tap a broad base of public opinion in reviewing this very important report on citizen participation. We applaud your efforts and offer our support in finalizing a report that may have a significant impact on the nature and direction of citizen participation.

Speaking for myself, I thank you for the opportunity to appear before the Commission.

Statement
Submitted for the Record By

Patricia Roberts Harris

Secretary
U.S. Department of Housing and Urban Development

The Department of Housing and Urban Development appreciates the opportunity to comment on the Advisory Commission on Intergovernmental Relation's draft report on citizen participation, and we apologize for the delay in submitting our comments to you.

First, we would like to commend the staff of the Commission for the excellent research and the arduous efforts in identifying and codifying the history and background of citizen participation in this country and in federal programs. Your treatment of theories, forms, and purposes of citizen participation provide the needed context to assess objectively citizen participation history, trends, and implications.

The Department accepts a strengthened version of the recommendation which proposed variegated simplification of federal citizen participation requirements. We can not support or endorse those recommendations which address: (a) abolishing federal aid requirements for, or (b) designating an Executive Branch agency to oversee citizen participation. It is our position that citizens should be afforded the opportunity to participate in administrative as well as political decisionmaking processes which have the potential of, or will impact on, their lives. Since this is assumed to be a right of all citizens, special efforts must be taken to assure that persons traditionally or systematically excluded from participatory processes have the opportunity to participate. However, this does not relieve locally elected officials of their responsibilities for program development, administration, and implementation.

A recent study conducted by Lawrence Johnson and Associates, Inc.: *Citizen Participation in Community Development: A Catalog of Local Approaches* identifies exemplary and innovative approaches to citizen participation in 31 communities receiving Community Development Block Grants. The citizen participation requirements of the CDBG program and the catalog are based on the proposition that rebuilding urban areas and preserving and revitalizing urban communities requires the advice and commitment of citizens. The involvement of residents and other citizens in planning and implementing community development projects is an essential step in creating greater local government responsiveness to the needs of the people who live in such areas and who depend on them for basic services. Citizen participation processes are one avenue for citizens to use to improve their environments.

The research demonstrates the level and value of citizen involvement at the local level. Examples of effective citizen participation include Lincoln, NE, where neighborhood associations are involved in preparing neighborhood plans which allows residents to take a positive step in determining the future of their neighborhoods. In Spokane, WA, a citizens committee monitors implementation of the CDBG projects they approved as members of a 15-member community development task force. The community development task force is the main policy-making body of the CDBG program. The citizen participation process in Nashville, TN, is a relatively unstructured process and relies heavily on informal communication. They held many public meetings which allowed citizens to become involved in the process; citizens are provided the opportunity to make statements directly to city officials and neighborhood groups work closely with city officials on particular CDBG projects.

Citizen participation is not without difficulties. An effective citizen participation process requires major commitments from local public officials, from staff members and from citizens.

Recommendation 2A

ABOLITION OF MOST FEDERAL AID REQUIREMENTS FOR CITIZEN PARTICIPATION

This is the most extreme of the draft report's recommendations and is the least acceptable to HUD. Among the major deficiencies of this recommendation are:

- It ignores the essential need to assure citizens affected the most by federal development assistance programs the opportunity to be involved in these programs during all phases, i.e., planning, program delivery, and evaluation.
- It overlooks the weak role state governments have played regarding their citizen participation policies and actions. 355
- It does not recognize that certain groups and members of our society must be given special emphasis so that their needs are adequately addressed. Citizen participation is one major means of accomplishing this.
- It is inconsistent with national urban objectives which call for a partnership of all levels of government, the private sector, neighborhood representatives, and citizens in addressing community needs.

Recommendation 2B

A POSITIVE AND CONSISTENT FEDERAL POLICY

While the thrust of this recommendation is laudable, it is an unrealistic solution for both HUD and the Administration. Among its weaknesses are:

- It calls for a new high-level structure to assure consistent administration of federal citizen participation requirements. This ignores Administration's policy to avoid proliferation of federal agencies and creates another layer of federal bureaucracy.
- It does not reflect the key issues identified in the HUD citizen participation report such as what programs would be affected, how citizen participation differs at various governmental levels, or how citizen participation should be defined.

- The notion of an "Omnibus Citizen Participation Act" does have some merits, but should be carefully drafted given the complexity of the citizen participation issues.

Recommendation 2C

VARIEGATED SIMPLIFICATION OF FEDERAL REQUIREMENTS FOR CITIZEN PARTICIPATION

This option is the most promising. It recognizes the need to review the inconsistencies among various federal citizen participation requirements rather than removal of all federal citizen participation requirements. To accomplish such simplification a high-level interagency group should be formed whose objective would be to establish a common set of federal citizen participation requirements. Such a group could be part of the White House Interagency Coordinating Committee and could achieve the
356 simplification either through an Executive Order, a new omnibus piece of legislation or both.

We urge the Commission to adopt a policy statement on general citizen participation policies along the following lines:

> Citizen participation is said to have at least two significant impacts on the effective functioning of government: (1) strengthening of citizen trust in, and support for, government, and (2) the improvement of program performance. In our judgement, there is no doubt that citizen participation in some cases, does have (and in others could have) these effects. The Department therefore recommends that governments at all levels:
>
> 1) provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in governmental programs; and that
> 2) legislative and executive branches of all levels of government, when providing in legislation and administrative practice for citizen involvement, exercise caution in (a) identifying the types of programs in which citizens are empowered to participate and share in decisionmaking; (b) defining the particular groups of citizens whose participation is needed to assure fair equitable representation of all significantly affected groups; (c) guarding against administrative agencies' exploitation of citizen participation; (d) avoiding the creation of unrealistically high hopes regarding the satisfactions and benefits to be reaped from citizen participation by using more effective methods of citizen participation.

Thank you for the opportunity to comment on your report.

Statement
Submitted for the Record By

Dorothy Height

President
Alliance for Volunteerism

As President of the Alliance for Volunteerism, a coalition of 19 national organizations representing some ten-million citizens concerned with developing meaningful forms of public participation and volunteerism in this country, I am distressed about many features of the process culminating in this week's series of "critics sessions" on the document pertaining to citizen participation requirements at the federal program level. Although the alliance does not yet have a copy of the recommendations, the purpose of my letter is to make some observations to the Commission members with regard to this process to date, as I understand it, as well as offer recommendations for future action by the Advisory Commission on Intergovernmental Relations. The alliance became aware of the activities of the Commission this week through the League of Women Voters which, so far as I am aware, is the only organization of citizen-volunteers providing testimony on Thursday, December 7. In fact, I understand that they were added to the agenda only after another scheduled participant found it necessary to withdraw. While I do not take issue with the abilities or experience of those organizations and persons you have asked to participate in the critics sessions, I do take issue with the fact that the Commission and staff appear to have made little or no effort to significantly expand the opportunities for citizen participation in the design of citizen participation standards and guidelines!

These omissions occurred not only in the area of participants in the hearing, but also in the scheduling of deliberations of the Commission providing insufficient time to those that had been invited to review a comprehensive document.

Therefore, I urge the Commission to take the following actions on Thursday, December 6:

1) postpone consideration of the recommendations contained in the study until your next meeting which, I understand, is scheduled for March 1979;
2) consult with a variety of individuals and organizations regarding;
    a) who should be sent copies of the study,
    b) who should be invited to submit further testimony or critiques;
3) mail additional copies of your study to a considerably expanded list of citizen-critics;
4) allow at least 45 days from the time of dissemination of the study to the hearing or deadline to receive written responses; and
5) hold a series of major hearings on these recommendations designed to significantly expand the Commission's contact with a wide variety of individuals and citizen organizations who are anxious and capable of making meaningful contributions to your deliberations. The Alliance would be pleased to assist the Commission in developing a list and procedures for contacting citizen organizations on this matter, as well as other matters before the Commission that impact on both the process and substance of citizen participation. I am confident that our board of directors and experienced staff would be most agreeable to give of their time and talent to this end.

The Commission has before it an important opportunity to contribute to the quality of debate and the resolution of issues and process pertaining to public participation. We are pleased to offer our assistance in nurturing a new partnership between the private and public sectors. I look forward to hearing from you, following Thursday's hearing and critics session. To that end I have designated the executive director of the alliance, Mrs. Susan R. Greene, as the primary contact on this matter. For your information, I have also enclosed materials on the Alliance which I believe you will find useful. 357

☆ U. S. GOVERNMENT PRINTING OFFICE : 1980 623-371/1641

COMMISSION MEMBERS

Private Citizens
Abraham D. Beame, ACIR Chairman, New York, New York
Bill G. King, Alabama
Vacancy

Members of the United States Senate
Lawton Chiles, Florida
William V. Roth, Jr., Delaware
James R. Sasser, Tennessee

Members of the U.S. House of Representatives
Clarence J. Brown, Jr., Ohio
L. H. Fountain, North Carolina
Charles B. Rangel, New York

Officers of the Executive Branch, Federal Government
Juanita M. Kreps, Secretary of Commerce
James T. McIntyre, Director, Office of Management and Budget
Vacancy

Governors
Bruce Babbitt, Arizona
John N. Dalton, Virginia
Richard W. Riley, South Carolina
Richard A. Snelling, Vermont

Mayors
Thomas Bradley, Los Angeles, California
Richard E. Carver, Peoria, Illinois
Tom Moody, Columbus, Ohio
John P. Rousakis, Savannah, Georgia

State Legislative Leaders
Fred E. Anderson, Colorado State Senate
Leo McCarthy, Speaker, California Assembly
Vacancy

Elected County Officials
William O. Beach, County Executive, Montgomery County, Tennessee
Lynn G. Cutler, ACIR Vice-Chair, Board of Supervisors, Black Hawk County, Iowa
Doris W. Dealaman, Freeholder Director, Somerset County, New Jersey

What is ACIR?

The Advisory Commission on Intergovernmental Relations (ACIR) was created by the Congress in 1959 to monitor the operation of the American federal system and to recommend improvements. ACIR is a permanent national bipartisan body representing the executive and legislative branches of Federal, state, and local government and the public.

The Commission is composed of 26 members—nine representing the Federal government, 14 representing state and local government, and three representing the public. The President appoints 20—three private citizens and three Federal executive officials directly and four governors, three state legislators, four mayors, and three elected county officials from slates nominated by the National Governors' Conference, the Council of State Governments, the National League of Cities/U.S. Conference of Mayors, and the National Association of Counties. The three Senators are chosen by the President of the Senate and the three Congressmen by the Speaker of the House.

Each Commission member serves a two year term and may be reappointed.

As a continuing body, the Commission approaches its work by addressing itself to specific issues and problems, the resolution of which would produce improved cooperation among the levels of government and more effective functioning of the federal system. In addition to dealing with the all important functional and structural relationships among the various governments, the Commission has also extensively studied critical stresses currently being placed on traditional governmental taxing practices. One of the long range efforts of the Commission has been to seek ways to improve Federal, state, and local governmental taxing practices and policies to achieve equitable allocation of resources, increased efficiency in collection and administration, and reduced compliance burdens upon the taxpayers.

Studies undertaken by the Commission have dealt with subjects as diverse as transportation and as specific as state taxation of out-of-state depositories; as wide ranging as substate regionalism to the more specialized issue of local revenue diversification. In selecting items for the work program, the Commission considers the relative importance and urgency of the problem, its manageability from the point of view of finances and staff available to ACIR and the extent to which the Commission can make a fruitful contribution toward the solution of the problem.

After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. The Commission then debates each issue and formulates its policy position. Commission findings and recommendations are published and draft bills and executive orders developed to assist in implementing ACIR policies.